

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: March 27, 2020
TO: Honorable Board of Police Commissioners
FROM: Inspector General
SUBJECT: OFFICER-INVOLVED SHOOTING 018-19 FOR 4/7/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Southeast	4/30/19	11:05 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
McPheeters, B./PO III+I	25 years, 8 months
Burton, A./PO III	10 years, 1 month
Ybarra, D./PO III	16 years, 10 months
Espinoza, K./PO II	10 years
Fuchigami, S./POII	2 years
Garcia, R./PO II	10 years, 11 months
Guereca, C./PO II	6 years, 11 months
Hugoboom, A./POII	7 years, 8 months
Skotte, D./PO I	9 months

Total Involved Officer(s)

3 x Sgt I
1 x PO III + I
4 x PO III
8 x PO II
1 x PO I

<u>Suspect(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Emilio Luis Robles: Male Hispanic, 47 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Sergeant Ruiz, Tactical Debrief, Sergeants Cohen and Valento, in addition to Officers Burton, Espinoza, Fuchigami, R. Garcia,

Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra.

Drawing/Exhibiting – In Policy, No Further Action, Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra.

Lethal Use of Force – In Policy, No Further Action, Officers Ybarra, Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte, and Burton (Rounds 1-4). Out of Policy, Administrative Disapproval, Officer Burton (Rounds 5-15).

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis

On Tuesday, April 30, 2019, at approximately 2305 hours, Southeast Patrol Division officers responded to a radio call of a "415 Man with a Gun" at 1927 East 113th Street. The comments of the call indicated that the suspect was a male Hispanic, under the influence of alcohol and possible narcotics, standing on top of a vehicle, talking to himself and waving a handgun. As the officers arrived at scene, the suspect pointed a handgun at the officers and fired several times in their direction, resulting in an Officer-Involved Shooting (OIS). The suspect prone himself behind the open driver's side door of the vehicle parked in his driveway. Approximately five minutes later, the suspect pointed the handgun at the officers, resulting in a second OIS.

Annotated Force Investigation Division (FID) Incident Summary¹

On Tuesday, April 30, 2019, at approximately 2250 hours, the person reporting (PR), identified as Daisy Sanchez, was inside her residence at 1924 East 113th Street, which was located across the street from the suspect's residence. Sanchez heard a noise outside that she believed to be someone breaking into her father's truck. She walked outside to see what was causing the noise and observed the suspect, later identified as Emilio Luis Robles, standing on top of his vehicle.² According to Sanchez, Robles was talking to himself and had a gun in his right hand and a tequila bottle in his left hand. Sanchez called 911 and advised Communications Division (CD) of her observations.

At 22:58:49 hours, CD broadcast the following call on Southeast base frequency, *"Southeast Units and 18A17, 18A17, 415 man with a gun, 1924 East 113th Street, 1924 East 113th Street, suspect is a male Hispanic, 390, possibly under the influence of unknown narco, black shirt, unknown pants standing on the vehicle, talking to himself, waving a gun, it's Code-3, Incident 6583, RD 1849."*

Southeast Patrol Division uniformed Police Officer II Craig Garcia, Serial No. 40032, (driver) and Police Officer II, Byron Lugo, Serial No. 38698, (passenger) were driving a black and white police vehicle, Shop No. 80722, assigned Unit 18A17.³ Officer Lugo

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Emilio Luis Robles was 47 years old, male Hispanic, brown hair, brown eyes. At the time of the incident he was 5 feet 9 inches tall, and weighed 200 pounds, with a date of birth of January 21, 1972.

³ Officer Garcia, 10 years, 1 month with the Department, 5 feet, 5 inches tall, 180 pounds. Officer Lugo, 12 years, one month with the Department, 5 feet, 8 inches tall, 190 pounds. Officers Garcia and Lugo were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERS, oleoresin

acknowledged the radio call and broadcast via Southeast frequency, *"Roger, from nine-eight and Fig."* The officers' patrol vehicle was equipped with DICVS and it was activated due to their Code Three response, however did not capture the OIS.

Southeast Patrol Division uniformed Police Officer III Derrick Ybarra, Serial No. 36360, (driver) and Police Officer I, David Skotte, Serial No. 43709, (passenger) were driving a black and white police vehicle, Shop No. 80699, assigned Unit 18A3.⁴ Officer Ybarra and Officer Skotte notified CD via their in-car radio they were responding and backing the primary unit. Officers Ybarra and Skotte's patrol vehicle was equipped with DICVS, however it was not activated due to their Code Two response (Investigators' Note No.1).

Air Support Division officers, Police Officer II+6, Pilot Michael Digangi, Serial No. 40679, and Police Officer II+5, Tactical Flight Officer Ronald Sanchez, Serial No. 37805, were assigned Unit Air 18.⁵ At 23:00:29 hours, Officer Sanchez advised CD that Air 18 was responding to the radio call and requested a description of the suspect via Southeast base frequency. At 2302:19 hours, Officer Sanchez advised CD they were over the call. Officer Sanchez broadcast the following information:

"Air 18, there's a male Hispanic, north curb behind the gate, standing on a two-door, two-door vehicle, male Hispanic, black shirt, blue jeans and black shoes. And it looks like he has a beer bottle in his right hand and I'll be on simplex for the officers."

Officer Sanchez requested CD to contact the PR to find out where the suspect put the handgun. Communications Division advised Air 18 that the suspect put the handgun in his pants.

Officer Ybarra drove toward the location, eastbound on East 113th street from Wilmington Avenue. As the officers approached Robles' location, Officer Sanchez simultaneously broadcast the following information.

"Black and whites looks like he's getting into his car, driver door is open, a pair of scissors on the front of his hood, and another it looks like glass bottle. Hey guys he just took out something with his right hand. Officer needs help, shots fired, shots fired! He's firing at the officers."

capsicum (OC) sprays and Hobble Restraint Devices (HRD). Officers Garcia and Lugo had their side handle batons in the police vehicle. Officer Lugo had his ASP in his left rear pocket.

⁴ Officer Ybarra, 16 years, 10 months with the Department, 6 feet, 1 inch tall, 270 pounds. Officer Skotte, nine months with the Department, 6 feet, 1 inch tall, 150 pounds. Officers Ybarra and Skotte were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERs, and had their side handle batons in the police. Officer Skotte had his OC spray, HRD, and carried his ASP in the left rear pocket. Officer Ybarra was not equipped with OC spray or HRD.

⁵ Officer Digangi, eight years, three months with the Department, 5 feet, 7 inches tall, 160 pounds. Officer Digangi was in full police flight suit. Officer Sanchez, 13 years, six months with the Department, 5 feet, 6 inches tall, 190 pounds. Officer Sanchez was in full police flight suit.

According to Daisy Sanchez, she was standing inside of her front door area (located on the east side of her residence) and she observed Robles waving a gun around in his right hand. She stated she was approximately 80 steps away from Robles and the street was well lit by street lights and lights outside of both her and Robles' residence. Daisy Sanchez stated she was on the phone with a dispatcher when Robles started shooting. She observed Robles shoot at the police car when the officers were still inside of their vehicle. Daisy Sanchez stated Robles fired 4-5 times before she ran inside of her house. Daisy Sanchez stated, *"The first one was from him, because I seen it clearly. Because you know when you fire a weapon, you hear - you see the light?" "You see it, and I seen it. And that's when I was like oh my God and I threw myself to the floor, and I started calling to wake up my kids and I dragged them and took them to the room."*⁶

Note: The investigation determined Daisy Sanchez was standing approximately 113 feet away from Robles during the first OIS.

According to Officer Sanchez, Robles was standing behind the open driver's side door of the vehicle backed into the driveway, when he observed Robles lift up his T-shirt, remove a handgun from his waistband and fire approximately four rounds in the direction of the officers. Officer Sanchez observed this through his binoculars.⁷ *"With his right hand, extended out with the handgun in his hand, and fired his handgun toward the officers."*⁸ *"I saw muzzle flash coming from the suspect's handgun as he's firing towards the black and white."*⁹

According to Officer Digangi, *"So that peaked my interest so now I stopped looking inside the aircraft and now I was looking at the suspect as well. And then I remember seeing a muzzle flash and I knew it was a muzzle flash because I was previously an attack helicopter pilot in the Marine Corps and did spend time in combat. So I saw the muzzle flash and it did take me by surprise because I didn't know he was holding a handgun at the time. So, then it was obvious to me that he had armed, that he was shooting in the direction of officers. And sometime between, I did see two distinct muzzle flashes between the first, the second muzzle flash and shortly after the second one, I remember Ron putting out a help call for shots fired."*¹⁰

According to Officer Ybarra, he continued eastbound East 113th Street from Wilmington in the direction of the airship's light.

⁶ Witness Sanchez, Page 20, Lines 20-22 and 24-25 and Page 21, Lines 1-2.

⁷ Officer Sanchez viewed the incident through his Department issued, Canon 12X36 IS II, Image Stabilized Binoculars.

⁸ Sanchez, Page 16, Lines 10-12.

⁹ *Id.*, Page 16, Lines 15-17.

¹⁰ Digangi, Page 8, Lines 4-16.

OIG Note No. 1: According to Officer Ybarra, “Where I perceive the light to be I thought it was a little further down than the actual location of the suspect. [...] So, when we saw him – just immediately when I saw him that’s when I stopped the vehicle.”¹¹

According to Officer Skotte, “And as we were driving to the location, we could see the airship overhead with the spotlight beam pointing down at something. [...] And as we were getting closer to the address, I could see the spotlight shining down where a man was standing in the driveway and he was just kind of watching. He matched the description of the radio call.”¹²

FID asked Officer Skotte if he was using his sights during the subsequent OIS, to which Officer Skotte replied, “It was dark, so I wasn’t really able to see my sights very well.”¹³ Officer Skotte also recalled, “The airship had a spotlight, but it wasn’t – it wasn’t like locked on the suspect. Because the helicopter was moving and it wasn’t just locked on the suspect entirely, so it was kind of going on and off.”¹⁴

According to the pilot of Air 18, Officer Digangi, “Ron [Officer Sanchez] and I both observed a male, Hispanic matching the suspect description on the hood of a car on the north side of the street. Ron was – fixed our Nightsun light on that suspect, got clarifying information from control that he was in fact illuminating the correct suspect.”¹⁵ According to Officer Sanchez, “I illuminated the suspect, or at that time, possible suspect with my Night Sun, and requested communications call back the caller who had broadcast or – or generated the radio call if my Night Sun was on the correct suspect. Communications answered back that my light was on the correct suspect.”¹⁶

The OIG reviewed Officer Skotte’s BWV, which showed that the light from the airship was illuminating the suspect’s residence when Officers Ybarra and Skotte arrived at that location. The BWV footage does not show what the airship light was illuminating prior to the officers’ arrival.

¹¹ Ybarra, Page 4, Lines 23-25, Page 5, Line 1, and Page 6, Lines 1-3.

¹² Skotte, Page 5, Lines 1-4 and Lines 21-25.

¹³ *Id.*, Page 21, Lines 2-3.

¹⁴ *Id.*, Page 23, Lines 9-12.

¹⁵ Digangi, Page 6, Lines 3-8.

¹⁶ Sanchez, Page 6, Lines 7-14.

Officer Ybarra stated, *"Once I saw him I stopped the vehicle. He took a look at us.... He was facing in an eastern direction in front of his -- in front of that residence. He looked in our direction. It looked like he yelled something, raised his right hand and began shooting. I was about to exit the vehicle and simultaneously put it in park is when we started receiving rounds. Knowing that the car wasn't in park I decided to sit back in the car and arm -- arm myself with my pistol and began returning fire."*¹⁷

OIG Note No. 2: According to Officer Ybarra, *"Shortly after that the suspect disappeared so I'm assuming he went down to the ground because we no longer -- I no longer had a visual on him."*¹⁸

Officer Ybarra provided the following reason for unholstering his weapon; *"I unholstered my weapon because I had a armed suspect shooting at me so I believed that deadly force would be justified in stopping that threat."*¹⁹ Officer Ybarra stated that he saw debris in front of him and believed the car was getting hit so in fear for his safety, he returned fire.

Officer Ybarra stopped the vehicle and fired five rounds from his pistol from a seated position inside of the vehicle. Officer Ybarra stated, *"My shooting position was sitting to the edge of the driver's seat slightly canted. I guess I would have been in a northeast direction. My left foot is outside the vehicle with my right foot on the brake and I'm shooting in between the window frame and the door."*²⁰

Officer Ybarra stated, *"The first one I felt I didn't have a sight picture. I was finding it. I was firing it at the threat. I believed the next four I did which each round I can still see that the suspect was upright and his hand was up and once he went down, once I lost sight of him out of my view is when I stopped and tried to get out."*²¹

Note: According to Officer Ybarra, he was not able to place the police vehicle in park, however, his right foot was on the brake and the vehicle was at a complete stop when he fired his pistol. The investigation determined that Officer Ybarra fired five rounds from his pistol from an approximate distance of 40 feet.

Officer Ybarra was equipped with BWV; however, he did not activate his BWV at any time during this incident. According to Officer Ybarra, he activates his BWV upon arrival at radio calls, however, was unable to do

¹⁷ Ybarra, Page 7, Lines 19-25 and Page 8 Lines 1-3.

¹⁸ *Id.*, Page 8, Lines 4-6.

¹⁹ *Id.*, Page 29, Lines 10-12.

²⁰ *Id.*, Page 20, Lines 21-25 and Page 21, Lines 1-2.

²¹ *Id.*, Page 22, Lines 5-10.

so during this incident since he immediately engaged the suspect upon arrival.

OIG Note No. 3: *According to Officer Ybarra, "Usually when I go pull – arrive at a call I will arrive at the call, I'll activate my camera. I'll get out. Because I believed the call was a little further down the street I didn't have that opportunity."*²²

According to Officer Skotte's BWV, he and Officer Ybarra arrived at scene at 23:05:40 hours. Officer Skotte immediately exited the police vehicle and stood next to passenger side of the vehicle, in between the vehicle and the open door. As Officer Skotte exited the vehicle, he unholstered his pistol and held it in a two-hand grip, and fired five rounds in a northeasterly direction from a standing position. Officer Ybarra was captured in a seated position in the driver's seat of the police vehicle, firing five rounds in a northeasterly direction from his pistol.

Note: Officer Skotte was equipped with BWV, which activated immediately after the OIS. Officer Skotte's BWV did not capture the audio portion of the OIS.

According to Officer Skotte, he unholstered his handgun, *"because I had the reasonable belief that the situation could escalate to a point where deadly force might have been justified. And I -- The suspect was shooting at us."*²³

Officer Skotte believed he fired four rounds from his pistol from a distance of approximately 20-25 feet. Officer Skotte stated, *"And as we pretty much putting the car into park, I could see him raisin -- raising something and pointing it in our direction and then I heard gunshots fire."*

OIG Note No. 4: *When FID asked Officer Skotte how many gunshots he heard, he replied, "I heard about three or four."*²⁴

*So I -- I was getting -- I got out of the car, unholstered, pointed my gun at him, and fired back. And then he -- he went behind the car. He either fell or ducked down. And I no longer saw him, so I stopped firing. And then I -- I put out the officer needs help radio call over my rover and then activated my body worn camera."*²⁵

Note: The investigation determined that Officer Skotte fired five rounds from his pistol from an approximate distance of 44 feet.

²² *Id.*, Page 5, Lines 2-5.

²³ Skotte, 2nd interview, Page 20, Lines 12-19.

²⁴ *Id.*, Page 7, Lines 13-14.

²⁵ *Id.*, Page 6, Lines 1-10.



Still photograph captured from Officer Skotte's BWV.

Immediately after Officers Ybarra and Skotte stopped firing, Officer Sanchez broadcast, *"Hey guys he's in a prone position underneath the car. He's in a prone position, use caution guys. Driver's side, he's in a prone position. Use caution guys, gun is still in his right hand, in a prone position back side of the driver's side door guys. Gun still in his right hand guys. Use caution, do not approach."*

Below is an account of each of the responding officers' actions and their reasoning for the Use of Deadly Force during the second OIS which occurred at 23:10:40 hours. Additionally, it does not represent the sequence in which the officers discharged their weapons since the shooting happened simultaneously. The officers at scene had their BWV activated at the time of the OIS. Based on Officer Skotte's BWV, the second OIS was eight seconds in duration. The officers' cameras captured the audio of the event, but based on the angle of their cameras, and the cover utilized, they did not provide a view of Robles' actions immediately prior to or during the OIS.

Southeast Patrol Division uniformed Police Officer II Jimmy Gov, Serial No. 43040, (driver) and Police Officer II, Shuhei Fuchigami, Serial No. 43010, (passenger) were driving a black and white police vehicle, Shop No. 80717, assigned Unit 18X95.²⁶ The

²⁶ Officer Gov, one year, 11 months with the Department, 5 feet, 7 inches tall, 165 pounds. Officer Fuchigami, two years with the Department, 5 feet, 8 inches tall, 175 pounds. Officers Gov and Fuchigami were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERs, OC sprays and HRDs. Officers Gov and Fuchigami had their side handle batons in their police vehicle.

officers' patrol vehicle was equipped with DICVS, however it was not activated due to their Code Two response.

Note: According to Officer Gov, he heard Officer Fuchigami advise CD they were Code Six.²⁷ According to Officer Fuchigami's BWV, Officer Fuchigami placed them Code Six at 23:12:49 hours.

According to Officer Fuchigami, he unholstered his pistol for the following reason, *"And then when the first vehicle made it to 113th Street to eastbound, and I saw the first vehicle stop, parked facing one of the house -- I think it was the suspect house. And I heard my partner say, 'Oh shoot. Oh shit. They're shooting. They're shooting.' So I got out of the car. I unholster, pointing the gun at the general direction to the house and assessed, and I couldn't see the suspect. But I did see P-I shot at least one, because I saw one smoke come out from his firearm."*²⁸ According to Officer Fuchigami he stated he heard one gunshot.

According to Officer Fuchigami's BWV, he arrived at scene and exited the police vehicle at 22:05:46 hours. Officer Fuchigami unholstered his pistol and stood next to Officer Skotte.

According to Officer Skotte's BWV, at 23:05:57, Officer Skotte yelled, *"Behind the car! Behind the car!"* Officer Skotte remained in the low-ready position until Officer Lugo who was armed with a police rifle approached him and took his place in between the front passenger side and open door of the police vehicle (Investigators' Note No. 2).

According to Officer Fuchigami, he and Officer Gov redeployed behind a parked vehicle on the south side of the street, across the street from Robles' location. Once Officer Fuchigami redeployed, he was able to see Robles, laying facing southbound in a prone position with a gun in his right hand. Officer Fuchigami gave Robles commands to drop the gun. Officer Fuchigami stated his BWV did not capture him giving those commands due to the fact that he gave those commands during the first two minutes of the video.

According to Officer Fuchigami's BWV, at 23:10:41 hours, Officer Fuchigami stood next to the passenger side door of a parked black Scion and held his pistol in a two-hand grip, with his hands above the roof of the vehicle. Officer Fuchigami fired three rounds from his pistol, in a northern direction at Robles.

According to Officer Fuchigami, he observed Robles holding the gun in his right hand in a pistol grip with his palm down and moved it slightly from left to right. Officer Fuchigami believed that Robles was getting ready to shoot at one of the officers.

Officer Fuchigami stated, *"Personally I thought he was looking at me. And he raised his gun and muzzle up. I saw the muzzle up towards -- towards me or my fellow officers."*

²⁷ Code Six denotes at scene.

²⁸ Fuchigami, Page 8, Lines 4-14.

*And that's when I took a shot. Apparently -- I thought it was two. But when I did a magazine count, it was three."*²⁹

Note: Officer Fuchigami was referring to the magazine count conducted by FID investigators.

*Officer Fuchigami stated, "There's not much area I can aim at, because there's a face and thin line of his shoulder and hands. So the biggest target I can aim was his head. So I aim -- general direction to the suspect because I wasn't sure I was going to shoot yet. But as soon as he bring up his muzzle up towards our direction, I pointed and aimed at his head and shot two -- I believe it was two shots."*³⁰

Officer Fuchigami provided the following reason for firing his weapon; *"Because I was believing that he was about to shoot me or one of the officers. So I tried to defend myself or others."*³¹

Note: The investigation determined that Officer Fuchigami fired three rounds from his pistol from an approximate distance of 58 feet.

OIG Note No. 5: *FID asked Officer Fuchigami, "After you shot, did you assess?"*³² *Officer Fuchigami replied, "Yes. [...] After I shot -- I took a shot, he wasn't moving, he was bleeding and he was facing down on the ground. And he still had a gun on his right hand, but he was not moving. [...] It looks like gray or light gray handgun. [...] He still had a gun -- holding a gun palms down on the ground but wasn't pointing at us anymore. It was more towards -- towards his face, I guess. I can't really tell how it was look, but he was no longer a threat."*

*FID asked Officer Fuchigami whether he took any pauses between the shots he fired. He replied, "I took -- I took -- not too long, but I took pauses to assess the situation. So I believe I took one shot. It was quick. Took a second shot, but I did assess the suspect. [...] He was still moving."*³³

²⁹ *Id.*, Page 10, Lines 1-6.

³⁰ *Id.*, Page 21, Lines 17-24.

³¹ *Id.*, Page 22, Lines 6-8.

³² *Id.*, Page 22, Lines 9-10.

³³ *Id.*, Page 22, Lines 11-22, Page 23, Lines 7-10, Page 24, Lines 20-23, and Page 25, Line 1.



Still photograph captured from Officer Fuchigami's BWV.

According to Officer Gov's BWV, he arrived at scene and exited his police vehicle at 23:05:42 hours. He unholstered his pistol and approached Officers Ybarra and Skotte's police vehicle along the front passenger side, behind Officer Skotte and Officer Fuchigami.

According to Officer Gov, upon arrival while still in his police vehicle, he heard approximately three to four shots, and observed at least one muzzle flash coming from Officer Ybarra's pistol. Officer Gov indicated he unholstered his weapon, *"Based on the radio call, sir, it was a radio call of a 415 man with a gun. And then as we were approaching the airship put out additional information where the suspect is by the driver's side door of the vehicle possibly pointing a gun."*³⁴

According to Officer Gov, he redeployed to the south side of the street behind a parked vehicle. Once he redeployed, Officer Gov observed Robles on the ground in a prone position, next to the driver's side door holding a gun in his right hand. Officer Gov stated, *"His right hand was on the gun. He was holding the gun in his right hand. You know, hand on the barrel -- I'm sorry, hand on the grip and the finger on the trigger and his left hand was holding a bottle of what appeared to be an alcohol beverage."*³⁵

Note: According to Officer Gov's BWV, at 23:09:30 hours, a male voice was heard asking, *"Do we have a designated shooter over here?"* Officer

³⁴ Gov, Page 15, Lines 1-5.

³⁵ *Id.*, Page 24, Lines 4-8.

Gov did not know who asked the question but believed it was a supervisor (Investigators' Note No. 3).

According to Officer Gov, Robles moved his gun up and down a couple of times. Officer Gov stated he had sights on Robles and put his finger on the trigger but he did not shoot because in his mind a supervisor had assigned a designated shooter and he did not deem it to be an imminent threat.

Officer Gov stated officers to both the left and the right side of him fired their weapons but he was unable to identify who the officers were.

Note: The investigation determined that Officer Gov did not fire his pistol. The investigation determined Police Officer II Christian Guereca, Serial No. 41060, was standing west of Officer Gov, and Officer Fuchigami was standing east of Officer Gov.

Southeast Patrol Division uniformed Police Officer III David Sweet, Serial No. 36654, (driver) and Police Officer II Kristofer Espinoza, Serial No. 40151 (passenger) were driving a black and white police vehicle, Shop No. 80721, assigned Unit 18A35.³⁶ The officers' patrol vehicle was equipped with DICVS which was activated due to their Code Three response, however did not capture the OIS. According to Officer Espinoza, he advised CD they were at scene via the Mobile Digital Computer (MDC).

According to Officer Sweet's BWV, he arrived at scene and exited the police vehicle at 23:05:54 hours. Officer Sweet ran up to a parked vehicle along the north curb, just west of Robles' location, next to the driver's side of Officer Ybarra's police vehicle. Officer Sweet unholstered his pistol and held in the low-ready position.

Officer Sweet provided the following reason for unholstering his pistol; *"I believe we have an active shooter going on. It's going to escalate to deadly force. It already has. So for my safety and those around us -- I unholstered."*³⁷

Officer Sweet stated he considered going back to his police vehicle and retrieving his police rifle because Robles was behind cover and concealed. Officer Sweet observed that Officer Craig Garcia was at scene and equipped with a rifle. Officer Sweet stood next to Officer Ybarra and asked if they should call Robles out. Officer Sweet inquired if there was an alley behind Robles' residence because he wanted to set up containment.

³⁶ Officer Sweet, 16 years, five months with the Department, 6 feet, 185 pounds. Officer Espinoza, ten years with the Department, 5 feet, 7 inches tall, 150 pounds. Officers Sweet and Espinoza were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERS, OC sprays and HRDs. Officer Sweet and Espinoza had their side handle batons in their police vehicle.

³⁷ Sweet, Page 17, Lines 8-13.

According to Officer Sweet, he heard one gunshot followed by multiple gunshots during the second OIS. Officer Sweet was unable to see Robles at the time of the second OIS and did not fire his pistol during the incident.

Note: The investigation determined that Officer Sweet did not fire his pistol.

According to Officer Espinoza's BWV, he arrived at scene, exited the police vehicle at 23:05:53 hours and unholstered his pistol. Officer Espinoza ran past two police vehicles up to where Officer Ybarra was standing. Officer Espinoza held his pistol in a two handed grip in the low ready position.

Officer Espinoza provided the following reason for unholstering his pistol; *"When I was running up to the help call. Based on the tactical situation, I had a reasonable belief that the situation would escalate to deadly force. Those reasons that I have -- again, we were going to a call with a man with a gun. We have an LAPD airship officers yelling out, 'I got shots fired. Officer needs help.' Based on those reasons, that's why I drew out."*³⁸

According to Officer Espinoza's BWV, he redeployed several times. Officer Espinoza moved behind a blue Lexus parked on the grass area adjacent to the north sidewalk, just west of Robles' location. Officer Espinoza then moved behind Officer Ybarra and Skotte's police vehicle, prior to standing next to the passenger side of a black Scion that was parked along the south curb. Officer Espinoza held his pistol with a two-hand grip, with his hands above the front windshield area of the vehicle.

According to Officer Espinoza, he observed Robles lying on his stomach with a blue steel semi-automatic pistol in his right hand. Officer Espinoza stated, *"Now I see him with a gun. I see him take a tactical position as far as concealing himself and trying to make himself the smallest target possible. He's behind a car door that's opened up, which is something that we, as a police officers, do as far as using cover and/or concealment. There was also another vehicle that was parked directly in front of his house kind of like a -- it was a gray or brown colored sedan. I remember it was a Chevy Impala type. That was also parked right there. So in my mind, he definitely had a position on advantage of officers. As he was down there, he had the gun in his right hand. He was kind of moving the gun around. At the same time he's looking in my direction, as well as all the officers that were on the south side. Based on my training and experience, somebody who just tried to kill a police officer, who is still armed with a gun, who is looking at officers directly in front of him, I believe he was assessing the target at that time. He kind of flicks the gun up towards -- towards my direction."*³⁹ *"And when that gun came up, he quickly dropped it back down. And I made the comment as far as, 'If he raises that gun, take the fucking shot.' At the time it's -- you know,*

³⁸ Espinoza, Page 43, Lines 17-24.

³⁹ *Id.*, Page 11, Lines 12-25 and Page 12, Lines 1-8.

*everybody is going to make their own decision. I know if that gun comes up towards me one more time, I'm taking a shot, because I'm not going to let him kill me. I'm not going to let him kill Fuchi or any other police officer."*⁴⁰

According to Officer Espinoza's BWV, at 23:10:40 hours, Officer Espinoza fired nine rounds from his pistol in a northerly direction at Robles. Officer Espinoza provided the following reason for firing his pistol; *"But as he's looking and assessing, he grabs the bottle, takes a swig, and then shortly after he -- he points that gun again in my direction. Due to his position of advantage, how he was laid out, the cars that he was using for cover, the only shot that I had at that time was a head shot. I was out on target. The only target I had was a head shot, and I took a shot. Right after there was numerous gunshots heard. Whether they were officers or him engaging us, I believed that we were being engaged. I fired additional shots. I assessed. He's still facing towards us. He still has the gun raised up in our direction, and I continued firing."*⁴¹

So going back, I had fired that first shot. It was immediately followed after by numerous gunshots -- officers and I also believe that the suspect was engaging us. I continued to fire my pistol, assessing. The suspect was still -- still had his gun in his right hand raised in my -- or in my general direction. I assessed and I continued to engage the suspect. After my final shot, I assessed the situation.

*I noticed that the suspect's face was now slump -- slumped down. However, he still had the gun in his right hand and it was faced in a little bit more of an eastbound direction. However, with the flick of the wrist, he could have been right back up on target."*⁴²

OIG Note No. 6: According to Officer Espinoza, "I was assessing between each shot."⁴³ Officer Espinoza recalled, "I took the first shot. I took it. I assessed. It was followed by large -- or like the sound of a lot of gunfire. The suspect gun was still up. I believe that he was returning fire, as well as other officers had engaged. As that gun was still up, I continue to engage him with another shot -- another one or two shots, assessing. The gun is still up. I continue to engage."⁴⁴ Officer Espinoza further stated, "It's hard because when you're assessing and you just feel as though like he's not going down. He hasn't dropped the gun. Like this -- why hasn't this stopped? And that's why I continued to engage him."⁴⁵

⁴⁰ *Id.*, Page 12, Lines 17-24.

⁴¹ *Id.*, Page 13, Lines 3-16.

⁴² *Id.*, Page 13, Lines 24-25 and Page 14, Lines 1-12.

⁴³ *Id.*, Page 22, Line 13.

⁴⁴ *Id.*, Page 37, Lines 10-18.

⁴⁵ *Id.*, Page 39, Lines 17-20.

Officer Espinoza continued, "So after the shooting had stopped – again, like throughout the entire situation, it's constantly being assessed. But after the last shots, as I assessed the suspect, his behavior, the gun, the direction that it was in, I noticed that he was face down and he kind of appeared like his face was just down. There was just no movement. Which is, again, kind of awkward, because most people don't put their face down in concrete."⁴⁶

According to Officer Espinoza, he believed he fired approximately five shots and assessed in between each round.

Note: The investigation determined that Officer Espinoza fired nine rounds from his pistol from an approximate distance of 59 feet.



Still photograph captured from Officer Espinoza's BWV

Southeast Patrol Division uniformed Police Officer II Christian Guereca, Serial No. 41060, (driver) and Police Officer II, Richard Garcia, Serial No. 39758, (passenger) were driving a black and white police vehicle, Shop No. 80703, assigned Unit 18A35.⁴⁷

⁴⁶ *Id.*, Page 23, Lines 2-10.

⁴⁷ Officer Guereca, six years, 11 months with the Department, 5 feet, 7 inches tall, 180 pounds. Officer Garcia, ten years, 11 months with the Department, 5 feet, 7 inches tall, 200 pounds. Officers Guereca and Garcia were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERS, OC sprays and HRDs. Officers Guereca and Garcia had their side handle batons in their police vehicle.

The officers' patrol vehicle was equipped with DICVS, and it was activated due to their Code Three response, however did not capture the OIS.

According to Officer Guereca's BWV, he arrived at scene, parked his police vehicle facing eastbound on East 113th Street from Wilmington Avenue. Officer Guereca exited his police vehicle at 23:06:00 hours, unholstered his pistol and ran east on the north sidewalk. Officer Guereca stopped in front of a blue Lexus that was parked on the north sidewalk facing westbound. The Lexus was parked one house west of Robles' location. Officer Guereca held his pistol in a two-hand low ready position.

According to Officer Guereca, he unholstered his pistol when he exited his police vehicle. Officer Guereca held his pistol against his chest area, pointed toward the ground with his finger along the frame, as he jogged from his vehicle to the blue Lexus. Officer Guereca provided the following reason for unholstering his pistol; *"So as we deployed from the car I -- I unholstered my -- my -- my primary handgun -- my -- my duty weapon just because of, you know, the -- the comments of the call, the whatever was broadcasted and just because of the fact that I knew, you know, I -- I went back to my training. It was a tactical situation where deadly force will be justified."*⁴⁸

Officer Guereca redeployed to the south side of the street and stood next to the rear passenger quarter panel of a black Scion vehicle parked along the south curb. According to Officer Guereca's BWV, at 23:10:41 hours, multiple gunshots were heard, however, the camera view was obstructed due to the fact that Officer Guereca stood against the rear passenger quarter panel of the parked black Scion vehicle.

According to Officer Guereca, he leaned against the car and held his pistol in a two-handed grip. Guereca observed Robles on the ground in a prone position, facing southbound, holding a pistol in his right hand. Officer Guereca stated, *"At -- at -- at that point, I was like, oh, you know, oh, shit, you know -- you know, he's going to shoot at me. Waited a couple of seconds until he -- he adjusted his hand. He adjusted his hand. And I didn't want to -- I didn't want to wait any longer before he shot another at my partner or killed -- killed me. I almost felt like he was going to shoot my head off. As soon as he lifted the gun toward my direction because I could see the -- I could see the -- the point of his gun pointing at us I -- I shot and then I squeezed the car a little bit to basically take cover behind the car. At that point, when I -- when I squeezed into the car I saw a muzzle flash coming from his direction so I shot again."*⁴⁹ *"So, my decision to fire was when I -- when I felt that he was actually going to shoot at us again. He -- he basically twisted his hand in an upward position and that's when I shot my first -- my first round."*⁵⁰

⁴⁸ Guereca, 2nd interview, Page 6, Lines 12-17.

⁴⁹ *Id.*, Page 7, Lines 12-25.

⁵⁰ *Id.*, Page 23, Lines 21-24.

OIG Note No 7: As described by Officer Guereca, after firing his final round he “stepped back a little bit to make sure that, you know, the threat was no longer a threat. The suspect was – was facing down.”⁵¹ Officer Guereca further described his perception of Robles at that time, saying, “He wasn’t moving. He had his gun on the floor. He didn’t have it in his – he had it in his hand but it wasn’t raised toward us.”⁵²

Officer Guereca believed he fired his weapon at Robles before Robles fired at him, however he did not know if he was the first officer to fire his weapon during the second OIS. Officer Guereca believed he fired two rounds.

Note: The investigation determined that Officer Guereca fired four rounds from his pistol from an approximate distance of 57 feet.



Still photograph captured from Officer Guereca’s BWV

According to Officer Garcia’s BWV, he arrived at scene and exited his vehicle at 23:06:00 hours. Officer Garcia retrieved his Benelli shotgun from the trunk of his police vehicle and ran eastbound on East 113th Street. Officer Garcia chambered a round and stood next to the passenger side door of Officer Ybarra and Officer Skotte’s police vehicle. Officer Garcia asked, “Hey where’s he at Lugo?” Officer Garcia then stated, “I’m gonna move over there.” Officer Garcia redeployed to the south side of the street and stood next to the passenger door of a parked red Ford Mustang.

⁵¹ *Id.*, Page 7, Line 25 and Page 8, Lines 1-2.

⁵² *Id.*, Page 32, Lines 15-17.

Officer Garcia provided the following reason for deploying the shotgun; *"As we were approaching the target location, the airship requested a help call for shots fired. When we got there, I was the passenger. I exited the vehicle and I wasn't sure if a shotgun or a rifle was deployed already, so I took it upon myself to go to my trunk and deploy my shotgun, which is a private purchase Benelli M4. I racked one buck shot round into the chamber, and I ran towards where the target location was."*⁵³

According to Officer Garcia, his shotgun was loaded to patrol ready, with four buck shot rounds in the magazine tube. Prior to the OIS, he conducted a selective slug roll out by ejecting the buck shot round that was in the chamber and chamber loaded a slug round. Officer Garcia stated, *"And the reason I inserted the slug round was because I felt that there was a lot of -- there was a lot of barriers between me and the suspect. There was a rod iron fence, and he was also hiding behind a -- he was hiding -- using the vehicle door as -- you know, hiding behind it -- or hiding --using it to hide. So I felt that a slug round would have been more effective if he would have presented himself and started shooting at officers."*⁵⁴

OIG Note No. 8: According to Officer Garcia, *"When I ejected the buck round, it hit the ground and then at one point I picked it up. And the reasoning was, you know, I didn't know if I was going to need that round later."*⁵⁵

According to Officer Garcia, once he redeployed, he observed Robles lying on the ground in a prone position. Officer Garcia observed a bottle in Robles' left hand. Officer Garcia was in a kneeling position with his right knee down on the ground and his left leg against the Ford Mustang. Officer Garcia took a kneeling position to expose less of himself while still being able to see the suspect. Officer Garcia requested officers to give commands using the Public Address (PA) system. Officer Garcia stated, *"So as I was watching him, I couldn't see his right hand, but then I saw him pointing a silver handgun in my direction. And I felt that he was going to kill me, so I fired one round."*⁵⁶ Officer Garcia stated the only exposed target area was Robles' head.

OIG Note No. 9: According to Officer Garcia, *"After firing the one round, I assessed. I felt there was no need to fire a second round, and I rendered my gun -- I placed the weapon on safe."*⁵⁷ Officer Garcia recalled, *"During my assessment, I observed that he was no longer pointing the gun in my direction. [...] It was -- he was proned down facing still southbound with his*

⁵³ Garcia, 2nd interview, Page 7, Lines 13-21.

⁵⁴ *Id.*, Page 10, Lines 14-22.

⁵⁵ *Id.*, Page 35, Lines 17-20.

⁵⁶ *Id.*, Page 26, Lines 17-20.

⁵⁷ *Id.*, Page 8, Lines 17-20.

hands almost like in a Superman in front of him.”⁵⁸ FID asked Officer Garcia whether he could see if anything was in Robles’s hands at that point, and Officer Garcia replied, “No.”⁵⁹

Officer Garcia stated he was not positive which officers fired to his right or to his left. Officer Garcia also stated he heard gunshots in both directions but could not indicate how many rounds he heard.

Note: The investigation determined Officer Garcia fired one slug round from his Benelli Shotgun from an approximate distance of 57 feet.



Still photograph captured from Officer Richard Garcia’s BWV

Southeast Patrol Division uniformed Sergeant I Gabriel Ruiz, Serial No. 37408, was driving a black and white police vehicle, Shop No. 81961 assigned Unit 18L80.⁶⁰ Sergeant Ruiz advised CD to assign him the call. According to Sergeant Ruiz, he responded to the call Code Two and upgraded his response to Code Three when he heard the airship broadcast that an OIS occurred. Sergeant Ruiz’ patrol vehicle was equipped with DICVS which was activated, however did not capture the OIS.

⁵⁸ *Id.*, Page 15, Lines 6-8 and Page 16, Lines 12-14.

⁵⁹ *Id.*, Page 16, Line 20.

⁶⁰ Sergeant Ruiz, 13 years, ten months with the Department, 5 feet, 8 inches tall, 225 pounds. Sergeant Ruiz was in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing his Department issued vest and was equipped with his service weapon, handcuffs, TASER, OC spray and HRD. Sergeant Ruiz had his side handle baton in his police vehicle.

According to Sergeant Ruiz' BWV, he arrived at scene and exited his police vehicle at 23:06:52 hours. Sergeant Ruiz parked his vehicle on East 113th Street and Wilmington Avenue. Sergeant Ruiz approached the passenger side of Officers Ybarra and Skotte's police vehicle, and broadcast, "L80, I'm Code Six," at 23:07:44 hours. Sergeant Ruiz made contact with the officers and was briefed by Officer Skotte that they were the first unit to arrive and that the suspect shot at them. Additionally, Sergeant Ruiz was advised that there were too many officers on the north sidewalk area. At 23:08:10 hours, Sergeant Ruiz approached the officers on the north side of the street, west of Robles' location and told them to redeploy because there was crossfire.

Note: According to Sergeant Ruiz, he did not unholster his pistol at any time during this incident.

Southeast Patrol Division uniformed Police Officer II Miguel Marin, Serial No. 42989, (driver) and Police Officer II, Anthony Hugoboom, Serial No. 41159, (passenger) were driving a black and white police vehicle, Shop No. 81284, assigned Unit 18X96.⁶¹ The officers' patrol vehicle was equipped with DICVS, which was activated due to their Code Three response, however did not capture the OIS.

According to Officer Marin's BWV, he arrived at scene, parked his police vehicle on East 113th Street, east of Wilmington Avenue. Officer Marin exited the police vehicle at 23:06:52 hours, ran up and stood behind the passenger side of Officer Ybarra and Officer Skotte's police vehicle.

Officer Marin provided the following reason for unholstering his pistol; *"I did initially draw out my firearm once I approached the primary vehicle, simply because the situation and the nature of the -- of the radio call. It was a hot call so I -- I proceeded to the situation may escalate to the point where deadly force may be used at some point."*⁶²

According to Officer Marin's BWV, after approximately two minutes, he redeployed to the south side of the street, directly across from Robles' location and stood behind Officer Hugoboom who stood next to the passenger side of a parked red Ford Mustang.

According to Officer Marin, he remained unholstered and pointed his pistol toward the ground when he redeployed behind the passenger side of a parked red Ford Mustang. Officer Marin was unable to see Robles. Officer Marin stated, *"Shortly after I heard like one, a single gunshot, and it sounded -- kind of like a distance. And then shortly after,*

⁶¹ Officer Marin, two years, one month with the Department, 5 feet, 10 inches tall, 200 pounds. Officer Hugoboom, seven years, eight months with the Department, 6 feet, 2 inches tall, 220 pounds. Officers Marin and Hugoboom were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapon, handcuffs, TASERS, OC sprays and HRDs. Officers Marin and Hugoboom had their side handle batons in their police vehicle.

⁶² Marin, Page 13, Lines 17-22.

*officers returned fire. And the only reason I know officers returned fire, because of volume, the -- the sound of the volume of the rounds were very, very loud, indicating that I was close to the officers that shot, compared to the initial shot at first. It sounded a little bit distance, but enough for me to hear the shots, so the officers returned fire."*⁶³ Officer Marin stated he did not observe who fired their weapon during the incident and was unable to tell how many rounds were fired.

Note: The investigation determined that Officer Marin did not fire his pistol.

According to Officer Hugoboom's BWV, he arrived at scene and exited the police vehicle at 23:06:50 hours. Officer Hugoboom deployed his shotgun and chambered a round.

Officer Hugoboom approached the passenger side of Officer Ybarra and Officer Skotte's police vehicle, redeployed to the south side of the street where he stood along the passenger side door of a parked red Ford Mustang.

Note: According to Officer Hugoboom, he carried his personal Remington 870 shotgun in his police vehicle, loaded to patrol ready, with four rounds in the magazine tube.

Officer Hugoboom believed he carried six rounds of slug ammunition on the side saddle of the shotgun.

According to Officer Hugoboom, *"I believe I said for somebody to get on the PA and give commands. Shortly right after that, I saw the suspect with a gun in his right hand, silver, semi-auto -- silver semi-automatic pistol. It was pointed in my direction. As it was moved in my direction with his hand -- his right hand holding the gun, I heard shots. I believed I was being fired upon. I shot one round at the suspect to stop the threat."*⁶⁴

OIG Note No. 10: According to Officer Hugoboom, *"I had to rack a second round. At which time I briefly ducked for cover to chamber the next round. Stood back up on target. The suspect appeared to be hit. I saw blood coming from the suspect's body, from his head, and from his arms."*⁶⁵

Officer Hugoboom stated he was aiming at Robles' face and believed Robles was looking in his direction. Officer Hugoboom believed one round was fired from Robles, and he heard seven to 12 shots fired from his right and his left side.

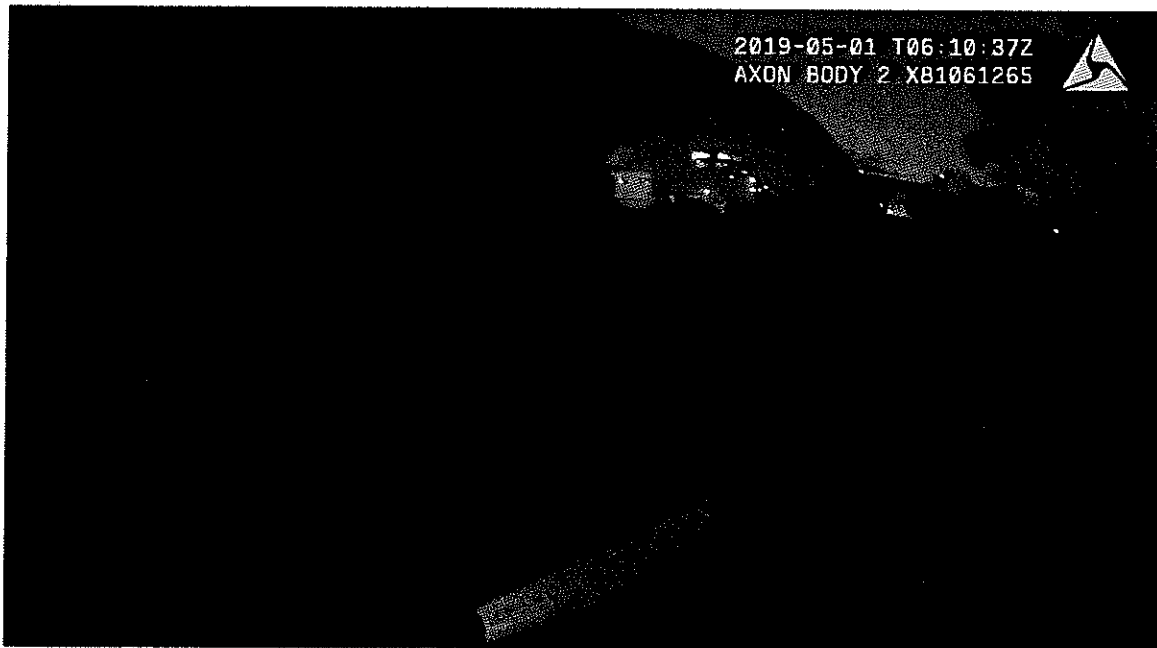
⁶³ *Id.*, Page 14, Lines 11-20.

⁶⁴ *Id.*, Page 7, Lines 20-25 and Page 8, Lines 1-3.

⁶⁵ *Id.*, Page 8, Lines 5-9.

According to Officer Hugoboom, after he fired a single buck shot round from his shotgun, he chamber loaded a slug round. Officer Hugoboom stated, *"Thinking that he was -- you know, I could still see the gun in his hand. Just in case he started shooting again, I removed the buck shot round from the chamber that I had loaded and chamber loaded a slug round, which is more of an effective round to stop a threat if he did try to reengage us. Chamber loading the round was done by just inserting the round on the right side of the gun where the chamber is and then came back on target."*⁶⁶

Note: The investigation determined that Officer Hugoboom fired one buck shot round from his Remington 870 shotgun from an approximate distance of 57 feet.



Still photograph captured from Officer Hugoboom's BWV

Metropolitan Division uniformed Police Officer III+1 Ben McPheeters, Serial No. 30483, (driver) and Police Officer III Vicente Lopez, Serial No. 38194, (passenger) were driving an unmarked, black Ford Explorer police vehicle, Shop No. 83279, assigned Unit R105.⁶⁷ The officers' patrol vehicle was not equipped with DICVS.

⁶⁶ *Id.*, Page 8. Lines 10-19.

⁶⁷ Officer McPheeters, 25 years, eight months with the Department, 5 feet, 11 inches tall, 185 pounds. Officer Lopez, 12 years, ten months with the Department, 5 feet, 9 inches tall, 180 pounds. Officers McPheeters and Lopez were dressed in full uniform, in an unmarked, black Ford Explorer, police vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERS, OC sprays, ASPs, and HRDs. Officers McPheeters and Lopez had their side handle batons in their police vehicle.

According to Officer McPheeters' BWV, he arrived at scene and exited the police vehicle at 23:07:50 hours. Officer McPheeters parked on Wilmington Avenue at the intersection of East 113th Street. Officer McPheeters deployed his patrol rifle from the trunk of the police vehicle and loaded a round into the chamber. Officer McPheeters ran up to the passenger side of Officer Ybarra and Officer Skotte's police vehicle. At 23:08:38 hours, Officer McPheeters stated *"I got a rifle guy!"* Officer McPheeters stood behind the front open passenger side door of the police vehicle, with his patrol rifle pointed in the direction of Robles' vehicle.

Officer McPheeters provided the following reason for deploying his patrol rifle, *"Knowing that -- listening to the airship that he was trying to hide behind his vehicle trying to take a position of advantage, knowing the capabilities of my rifle and the rifle round what it can do. There's been numerous training days in Metro where we've had -- we've had to shoot at vehicles. Knowing that the rounds can penetrate metal. It can penetrate through doors. It can penetrate through the metal on the vehicle. That that rifle would definitely need to be deployed knowing that this suspect has already shot at officers at scene."*⁶⁸

Note: According to Officer McPheeters, his patrol rifle was carried unloaded in the police vehicle. He retrieved the rifle and chambered one round from his 30-round capacity magazine, which was loaded with 28 rounds.

According to Officer McPheeters, Robles was in a position of advantage in a prone position, facing the officers, and utilized his vehicle for cover. Officer McPheeters stated, *"I knowing that this individual has shot at the officers and the community was still at hand at risk we -- we were continuously trying to deescalate the situation and trying to give him a chance to drop the weapon. At that point in time I didn't tell him to drop the weapon but it was other officers to my right was -- who was telling him to drop the weapon."*⁶⁹

Officer McPheeters added, *"And at one point in time I can see what appeared to be a weapon in his right hand and the reflection of the light coming off of it. I couldn't see that it was exactly it was a pistol or a gun but I could see that it was a metallic object in his right hand. And also, listening to the airship above who kept telling us and advising officers that he has a gun in his right hand. He's moving it around. He's trying to reposition himself."*⁷⁰

According to Officer McPheeters' BWV, at 23:10:40 hours, he stood next to the open passenger door, behind the engine block of Officers Ybarra and Skotte's police vehicle.

⁶⁸ McPheeters, Page 24, Lines 21-25 and Page 25, Lines 1-5.

⁶⁹ *Id.*, Page 9, Lines 11-17.

⁷⁰ *Id.*, Page 8, Lines 14-22.

Officer McPheeters fired four rounds from his patrol rifle in a northeasterly direction, in the direction of Robles.

Additionally, Officer McPheeters stated, *"As I was continuously watching his actions I heard a shot and at that point I fired four rounds at the suspect and alongside -- along with other officers who started firing. The reason why I shot is because it was knowing that this off -- this suspect has shot at the officers and knowing that he had a gun, knowing that he failed to drop the gun and had several chances to drop the gun. Believing in my mind that he was trying to kill one of the officers to my right and myself I fired four rounds."*⁷¹

OIG Note No. 11: According to Officer McPheeters, *"...I did assess and I did stop because there's no -- I -- I felt there was no longer a threat from the suspect. [...] Two rounds in a split second I assessed and then fired two more rounds and I stopped firing. [...] So, the second rounds I believe he was still trying to acquire a position of advantage. I just slightly saw a movement and at that point in time I believed in my mind that he was trying to reposition to fire at the officers."*⁷²

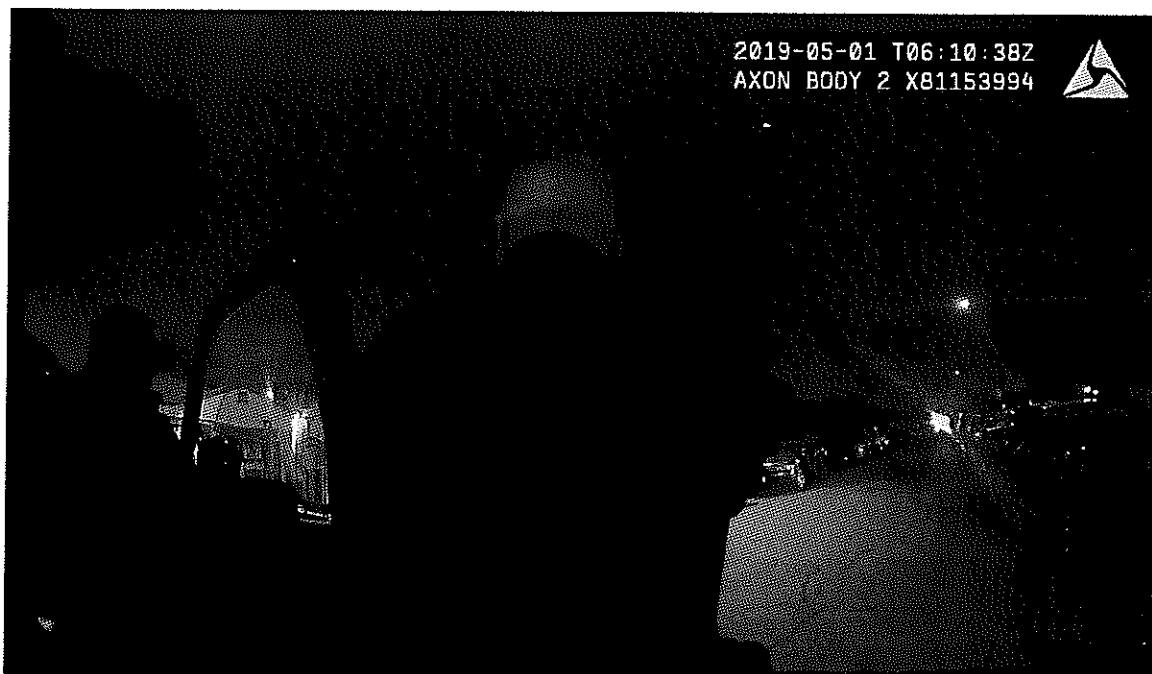
Officer McPheeters stated that when he fired he was using his rifle optic system and could only see the suspect's arm and aimed toward where the suspect was located.

Note: The investigation determined that Officer McPheeters fired four rounds from his patrol rifle from an approximate distance of 48 feet.

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⁷¹ *Id.*, Page 9, Lines 18-25 and Page 10, Lines 1-2.

⁷² *Id.*, Page 30, Lines 23-25, and Page 31, Lines 4-6 and 11-15.



Still photograph from Officer Languren's BWV, depicting Officer McPheeters' position.

According to Officer Lopez' BWV, he arrived at scene and exited his vehicle at 23:07:50 hours. Officer Lopez deployed his patrol rifle from the trunk of the police vehicle, loaded a round into chamber and ran up to the passenger side of Officer Ybarra and Officer Skotte's police vehicle. At 23:08:35 hours, Officer Lopez yelled out, *"Hey we got rifles!"*

Note: According to Officer Lopez, his patrol rifle was carried unloaded in the police vehicle. He retrieved the rifle and chambered one round from his 30-round capacity magazine, which was loaded with 28 rounds.

Officer Lopez provided the following reason for deploying his patrol rifle; *"Because of the nature of this call and the fact that there was already shots fired, obviously, there's already a suspect that's willing to, you know, quote, unquote, 'Shoot it out with the police,' we are going to deploy a weapon system that's superior to what he or she might have."*⁷³

According to Officer Lopez' BWV, at 23:10:40 hours, Officer Lopez stood next to the rear passenger tire of Officer Ybarra and Officer Skotte's police vehicle when multiple shots were heard.

According to Officer Lopez, he heard one gunshot coming from further away from where he stood, followed by multiple gunshots, *"The single shot came from the north side,*

⁷³ Lopez, Page 16, Lines 8-13.

*which was where the suspect was last seen.*⁷⁴ Officer Lopez stated he was unable to see where the shot came from because he was behind cover of the police vehicle.

At 23:11:11 hours, Officer Lopez redeployed to the south side of the street where he stood along the rear passenger side of a parked red Ford Mustang.

Note: The investigation determined that Officer Lopez did not fire his patrol rifle during this incident.

Southeast Patrol Division uniformed Police Officer II Min Chung, Serial No. 41798, (driver) and Police Officer III, Windel Hawkins, Serial No. 25889 (passenger) were driving a black and white police vehicle, Shop No. 81139, assigned Unit 18A41.⁷⁵ The officers' patrol vehicle was equipped with DICVS, and it was activated due to their Code Three response, however did not capture the OIS.

According to Officer Chung's BWV, he arrived at scene, parked on Wilmington Avenue south of East 113th Street. Officer Chung exited his police vehicle at 23:07:57 hours and donned his ballistic helmet. Officer Chung ran up to Officer Ybarra's location and stood along the driver's side of Officers Ybarra and Skotte's police vehicle. Officer Ybarra advised Officer Chung that Robles was under the vehicle in the driveway. Officer Chung unholstered his pistol and held it in a two-hand grip, pointed in the direction of Robles' residence.

Officer Chung provided the following reason for unholstering his pistol; *"I believed there was a situation may escalate to a point where deadly force may be justified."*⁷⁶

Officer Chung stated that he could not see Robles from his position. Approximately three minutes later Officer Chung heard shots fired and stated the volley was rapid and lasted two to three seconds. Officer Chung believed approximately 20 shots were fired and could not identify which officers were shooting. Officer Chung stated an unknown supervisor requested officers with helmets to position themselves on the south side of the street to form an arrest team so he redeployed to the south side of the street.

Note: The investigation determined that Officer Chung did not fire his pistol during this incident.

⁷⁴ *Id.*, Page 24, Lines 5-6.

⁷⁵ Officer Chung, three years, six months with the Department, 6 feet tall, 180 pounds. Officer Hawkins, 31 years, 1 months with the Department, 6 feet tall, 250 pounds. Officers Chung and Hawkins were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERs, OC sprays and HRDs. Officer Chung had his side handle baton in his police vehicle. Officer Hawkins had his side handle baton on his Sam Browne.

⁷⁶ Officer Chung's statement, Page 9, Lines 14-16.

According to Officer Hawkins' BWV, he arrived at scene and exited his vehicle at 23:07:57 hours and donned his ballistic helmet. Officer Hawkins walked up to the south sidewalk area, behind a silver Ford Expedition that was parked in the apron of the driveway across the street from Robles' residence.

Officer Hawkins stated that he did not unholster his pistol at any time during this incident because he was not in a position where there was an immediate threat to him and was not able to see the suspect.

Officer Hawkins stated he was on the south side of the street and there was a minimum of five officers using a vehicle as cover. Officer Hawkins was focused on looking at the house and heard rounds being fired. According to Officer Hawkins, *"And like I said, I was focused on the house, but I could hear the rounds being fired and I could see, you know, the muzzle flash. So the only thing I could say for sure, you know, is that there was at least shotgun rounds fired and at least three pistols fired. Two to the left of the shotgun and one to the right to the shotgun, for what it appeared to me from what I could see. And then from what I could hear a volley of minimal three rounds, you know, per weapons, the way it sounded to me in my ear. But, again, you know, me listening. Seeing, I just -- you know, I didn't even see like amber flash from a muzzle. Mostly I just saw the smoke coming from the muzzle, you know, and just using my common sense of, you know, what I could hear. You know, that was pretty much it."*⁷⁷

Note: The investigation determined that Officer Hawkins did not fire his pistol during this incident.

Southeast Patrol Division uniformed Police Officer III Gustavo Reyes, Serial No. 39302 (driver) and Police Officer III, Andre Burton, Serial No. 40021 (passenger) were driving a black and white police vehicle, Shop No. 80645, assigned Unit 18H45.⁷⁸ The officers' patrol vehicle was equipped with DICVS. The officers approached the location westbound East 113th Street from Grape Street. Their DICVS captured headlights of vehicles facing east and the sound of multiple gunshots at the time of the second OIS.

Note: According to Officer Burton, he and Officer Reyes were end of watch at 2200 hours, however overtime on a juvenile arrest. They logged off and uploaded their DICVS and Officer Burton downloaded his rifle and their 40mm Less Lethal Launcher. They were enroute to Los Padrinos Juvenile Hall when they responded to the help call.

⁷⁷ Hawkins, Page 15, Lines 15-25 and Page 16, Lines 1-4.

⁷⁸ Officer Reyes, 11 years, one month with the Department, 5 feet, 11 inches tall, 205 pounds. Officer Burton, 10 years, one month with the Department, 6 feet, 3 inches tall, 220 pounds. Officers Reyes and Burton were dressed in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing their Department issued vests and were equipped with their service weapons, handcuffs, TASERS, OC sprays. Officer Reyes had his HRD on him and his side handle baton in his police vehicle. Officer Burton had his HRD and side handle baton in his police vehicle.

According to Officer Reyes' BWV, he arrived at scene and exited the police vehicle at 23:10:08 hours. Officer Reyes ran west along the south sidewalk and stopped next to the passenger side of a parked red Chevrolet Camaro. Officer Reyes unholstered his pistol, held it in a two-handed grip and pointed it in the direction of Robles' location.

Officer Reyes provided the following reason for unholstering his pistol; *"So the reason why I unholstered was because I had substantial risk that the tactical situation -- situation could lead to deadly force -- to use deadly force. The airship put out a help call. There was shots fired already at the officers. So I knew that this could lead to the use of deadly force."*⁷⁹

According to Officer Reyes' BWV, at 23:10:37 hours, he stated, *"I have no eyes on him."* Officer Burton said, *"He's under the car."* The first shot can be heard on Officer Reyes' BWV at 23:10:42 hours.

According to Officer Reyes, he heard one gunshot, followed by a volley of gunshots. Officer Reyes was unable to estimate how many gunshots he heard and did not know where the first gunshot came from. Officer Reyes observed casings from Officer Burton's rifle in front of him and based on that, he believed Officer Burton was firing his rifle. Officer Reyes believed Officer Burton fired four to six rounds.

Officer Reyes stated he did not fire his weapon because, *"Well, I didn't have eyes on the suspect. I knew -- I kept hearing the airship putting out his location, but I just did not have eyes on the suspect. And what we've been trained is always be sure of your target. And I was not sure of my target. All I had -- all I could see and all I had was that door and the car. That's it."*⁸⁰

Note: The investigation determined Officer Reyes did not fire his pistol during the incident.

According to Officer Burton's BWV, he arrived at scene and exited the police vehicle at 23:09:00 hours. Officer Burton deployed his patrol rifle from the trunk of his police vehicle. Officer Burton approached westbound along the north sidewalk and loaded a round into the chamber. Approximately two houses east of Robles' residence, Officer Burton moved to the south curb and stood on the passenger side rear quarter panel of a parked red Chevrolet Camaro. At 23:09:58 hours, Officer Burton pointed his patrol rifle in a northwesterly direction, toward Robles' vehicle.

Note: According to Officer Burton, his patrol rifle was carried unloaded in the police vehicle. He retrieved the rifle, seated a magazine in the magazine well and chambered one round from his 30-round capacity magazine, which was loaded with 28 rounds.

⁷⁹ Reyes, Page 11, Line 25 and Page 12, Lines 1-6.

⁸⁰ *Id.*, Page 27, Lines 16-22.

Officer Burton provided the following reason for deploying his patrol rifle; *"I loaded the rifle be -- I -- I retrieved the rifle because the suspect already fired at officers and I wanted to get a better advantage over the suspect."*⁸¹

According to Officer Burton's BWV, at 23:10:39 hours, Officer Burton stated, *"He's under the car."*

Officer Burton stated, *"So, during -- as I was across the street from the target location I could -- I observed the suspect. He was in a prone position underneath a vehicle in the driveway with a handgun in his hand -- in his right hand. He was low crawling around the car. It looked -- it looked like he was trying to find a target or officers to shoot. He was -- he -- he was looking around a lot mostly towards -- most of the cars were -- were going to be west of him. I was the only officer -- me and my partner were the only officers east of him. He was looking their direction looking for a target. At that point, I advised my partner where the suspect was and what he had in his hand and at that point the suspect -- I observed the suspect. He extended his arm out and fired a round a -- at officers. At that point I returned fire with my rifle and I fired between ten to 15 rounds at the suspect."*⁸²

According to Officer Burton, he assessed through his rifle optic and continued to fire until Robles was no longer moving. Officer Burton stated, *"I'm not sure how long the pause was but I just looked through. It was probably less than a second looking through the sights but I could still hear shots and his arm extended. And I -- I stopped firing once I saw that there was blood coming out of his upper body area -- and he was no longer moving."*⁸³

OIG Note No. 12: According to Officer Burton, *"The increments of which I was shooting were between five and five. I'll shoot one, two, three, four five; one, two, three, four, five to make sure I had hits on the suspect because I know some of the rounds were probably going to hit that fence and not impact the suspect."*⁸⁴

According to Officer Burton's BWV, at 23:10:40 hours, Officer Burton fired 13 rounds, paused for two-seconds, then fired two additional rounds from his patrol rifle. At 23:10:52 hours, Officer Burton yelled out, *"He's down!"* At 23:11:07, Officer Burton yelled out again, *"Hey, suspect's down!"*

⁸¹ Burton, Page 7, Lines 13-15.

⁸² *Id.*, Page 7, Lines 16-25 and Page 8, Lines 1-7.

⁸³ *Id.*, Page 29, Lines 18-25.

⁸⁴ *Id.*, Page 8, Lines 17-22.

According to Officer Burton, his rational for firing the last two rounds were, *"The last two his head is down to the side and it looked like he was -- when -- it looked like he was getting another target but because his head was down like this with the arm out. So, it kind of looked like his -- like he had one eye closed and was still looking for a target. I fired two more and like -- and I -- I held on and I could see that he was -- he wasn't moving anymore."*⁸⁵

Note: The investigation determined that Officer Burton fired 15 rounds from his patrol rifle from an approximate distance of 71 feet.



Still photograph from Officer Reyes' BWV, depicting Officer Burton's position

A news media helicopter from KABC, Channel 7, Los Angeles, was overhead and captured a portion of the incident including the second OIS.

Force Investigation Division detectives served a search warrant to obtain the video footage from KABC, Channel 7, Los Angeles. According to the aerial footage, Robles was captured in a prone position next to the rear tire, behind the open driver's side door of the vehicle parked in the driveway at 1927 East 113th Street. Based on the above statements made by Officer Sanchez, this footage depicted the actions of Robles after the first OIS with Officers Ybarra and Skotte. Robles was holding a handgun in his right hand and a glass bottle in his left hand. Robles' body was facing in a southerly direction with his right arm extended forward along the ground and the barrel of the handgun pointed in a southerly direction. Robles lifted his head up and down several times and on approximately three occasions, used a twisting motion and pointed the handgun from

⁸⁵ *Id.*, Page 30, Lines 14-20.

a sideways position to a forward position in the direction of the officers (Addendum No. 1).

Note: There is no audio and no time-stamp of the aerial footage from KABC, Channel 7, Los Angeles.



Still photograph of Robles in a prone position

Southeast Patrol Division uniformed Sergeant I Jennifer Cohen, Serial No. 38352, was driving a black and white police vehicle, Shop No. 81909, assigned Unit 18L130.⁸⁶ Sergeant Cohen's patrol vehicle was equipped with DICVS and it was activated due to her Code Three response, however did not capture the OIS.

According to Sergeant Cohen's BWV, she arrived at scene and broadcast via her police vehicle radio that she was Code Six and exited her vehicle at 23:10:20 hours. Sergeant Cohen parked her police vehicle on Wilmington Avenue, south of East 113th Street. As Sergeant Cohen exited her police vehicle and walked toward East 113th Street, she advised all of the officers in that area to put their helmets on. Sergeant Cohen ran eastbound on East 113th Street when numerous shots were heard. Sergeant Cohen immediately took cover behind the trunk of a black and white police vehicle that was parked facing east.

⁸⁶ Sergeant Cohen, 12 years, five months with the Department, 5 feet, 7 inches tall, 170 pounds. Sergeant Cohen was in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing her Department issued vest and was equipped with her service weapon, handcuffs, TASER, OC spray and HRD. Sergeant Cohen had her side handle baton in her police vehicle.

According to Sergeant Cohen's BWV, at 23:11:17 hours, she approached Sergeant Ruiz and asked, "*Ruiz, you need help? What do you need?*" Sergeant Cohen advised all officers at scene to put on their helmets via her handheld radio and verified with Air 18 that Robles was no longer moving.

Southeast Patrol Division uniformed Sergeant I Arnold Castellanos, Serial No. 40202, assigned Unit 18L50 responded to the help call.⁸⁷ According to Sergeant Castellanos' BWV, he arrived at scene at 23:10:15 hours. Sergeant Castellanos parked his vehicle on Wilmington Avenue north of East 113th Street. Sergeant Castellanos activated his DICVS due to his Code Three response, however did not capture the OIS. Sergeant Castellanos removed a ballistic shield from the trunk of his vehicle and ran eastbound on East 113th Street. At 23:10:59 hours, he turned around and ran westbound on East 113th Street back toward his vehicle. At 23:11:09 hours, Sergeant Castellanos turned around and ran eastbound again toward the scene. At 23:11:39 hours, he arrived and met with Sergeant Cohen, behind the passenger door of the police vehicle parked west of Officers Skotte and Ybarra's police vehicle. At 23:11:59 hours, he ran back to his police vehicle to get his ballistic helmet and returned to Sergeant Cohen's location at 23:13:00. At 23:14:43 hours, Sergeant Castellanos moved up to the passenger side of Officers Ybarra and Skotte's police vehicle where he remained until the Code Four was broadcast at 23:17:52 hours. Sergeant Castellanos approached the residence and assisted with the identification of involved and percipient officers.

Southeast Patrol Division uniformed Sergeant I Jose Salazar, Serial No. 35827, assigned Unit 18L30 responded to the help call.⁸⁸ According to Sergeant Salazar's BWV, he arrived at scene at 23:10:27 hours. Sergeant Salazar parked his police vehicle on Wilmington Avenue south of East 113th Street. Sergeant Salazar activated his DICVS due to his Code Three response, however did not capture the OIS. Sergeant Salazar removed a ballistic shield from the trunk of his vehicle and approached the OIS scene. Sergeant Salazar met with Sergeant Cohen who was kneeling next to a patrol vehicle west of Officer Ybarra and Skotte's vehicle. Sergeant Cohen briefed Sergeant Salazar of Robles' location. Sergeant Salazar utilized the police vehicle's PA system and gave Robles commands in English to drop the gun and slowly walk out of the driveway with his hands up.

⁸⁷ Sergeant Castellanos, nine years, ten months with the Department, 5 feet, 11 inches tall, 195 pounds. Sergeant Castellanos was in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing his Department issued vest and was equipped with his service weapon, handcuffs, OC spray and HRD. Sergeant Castellanos had his side handle baton in his police vehicle.

⁸⁸ Sergeant Salazar, 18 years, nine months with the Department, 5 feet, 11 inches tall, 195 pounds. Sergeant Salazar was in full uniform, in a marked Black and White, Ford Explorer, patrol vehicle, wearing his Department issued vest and was equipped with his service weapon, handcuffs, OC spray and HRD. Sergeant Salazar had his side handle baton in his police vehicle.

Southeast Patrol Division uniformed Sergeant I Christopher Valento, Serial No. 38160, was driving a black and white police vehicle, Shop No. 88846, assigned Unit 18G50.⁸⁹ Sergeant Valento's patrol vehicle was equipped with DICVS and it was activated due to his Code Three response, however did not capture the OIS.

Note: Police Officer II Brian Williams, Serial No. 40847, assigned to Southeast Gang Enforcement Detail (GED) responded to the Help Call with Sergeant Valento, in the passenger seat. Officer Williams' partner was end of watch.

According to Sergeant Valento, he believed he activated his BWV when he responded to the incident by pressing it twice. While at scene he observed that his BWV was not activated, and immediately activated it at that time. Upon activating his BWV at 23:20:40 hours, Sergeant Valento stated, "My body camera did not activate. Activated now."

According to Sergeant Valento's DICVS, he arrived at scene and exited his vehicle at 23:10:28 hours. According to Sergeant Valento, he parked his vehicle on Wilmington Avenue and ran from his vehicle eastbound on East 113th Street until he saw officers along with Sergeant Ruiz and Sergeant Castellanos, standing next to a Ford Explorer police vehicle. Sergeant Valento saw officers standing on the parkway area between the sidewalk and parked vehicles on the south side of the street. Sergeant Valento did not observe any supervisors on the south side of the street and immediately proceeded to that area to provide supervisory oversight to those officers.

According to Sergeant Valento, he observed Robles on the ground with his head facing a southbound direction with a weapon in his right hand. At that point Sergeant Valento heard a volley of gunshots and could not tell what officers were involved in the OIS but observed muzzle flash and could see gunpowder in the air.

Note: According to Sergeant Ruiz' BWV, Sergeant Valento arrived at Officer Ybarra and Skotte's police vehicle at 23:10:34 hours. The second OIS occurred six seconds after Sergeant Valento walked up to the police vehicle.

According to Sergeant Ruiz' BWV, at 23:10:40 hours, Sergeant Ruiz was standing just south of the rear passenger side of Officers Ybarra and Skotte's police vehicle when the second OIS occurred.

According to Sergeant Ruiz' BWV, at 23:11:10 hours, he walked westbound on East 113th Street from Officers Ybarra and Skotte's police vehicle and told the officers who were west of the OIS location, "*Hey, put your guns down, put your guns down. Too*

⁸⁹ Sergeant Valento, 12 years, ten months with the Department, 6 feet tall, 185 pounds. Sergeant Valento was in full uniform, in a marked black and white, Ford Explorer, patrol vehicle, wearing his Department issued vest and was equipped with his service weapon, handcuffs, TASER, OC spray and HRD. Sergeant Valento had his side handle baton in his police vehicle.

many guns out." At 23:11:13 hours, Sergeant Valento requested Los Angeles Fire Department (LAFD) to stage on Wilmington Avenue.

Note: According to Officer Skotte's BWV, at 23:15:52 hours, Officer Ybarra asked Officer Skotte "Did you shoot? How many?" Officer Skotte replied, "Yes, approximately four." Officer Ybarra stated, "I think I got like three maybe four."

Sergeant Valento developed a plan for a contact and cover team to approach Robles. The team consisted of Police Officer II Brent Evans, Serial No. 41993, Southeast GED, who was equipped with a ballistic shield, Metropolitan Division Police Officers III Oscar Medina, Serial No. 38585, and Richard Rivera, Serial No. 39415, Officer McPheeters, Officer Lopez, Officer Chung, Officer Burton, Officer Hugoboom, and Officer Skotte. According to Sergeant Valento, he stated the team approached in a northwest direction into the driveway and made contact with Robles. Immediately after the contact team approached Robles, Officer Chung moved to the southeast corner of the residence to provide cover to the east side. Officer Lopez moved to the southwest corner of the residence to provide cover to the west side.

According to Officer Hugoboom's BWV, at 23:16:22 hours, the contact team entered the driveway. Robles lay in the driveway in a prone position, facing in a southerly direction. Robles was armed with a pistol in his right hand and his index finger on the trigger. Robles was bleeding and not moving.

At 23:16:54 hours, Officer Burton placed his right foot on top Robles' gun and then transitioned his foot on top of Robles' right wrist. According to Officer Burton, he stepped on Robles' right wrist and placed enough weight so that if Robles was still alive, he could not move his hand or pull the trigger.

At 23:17:06 hours, Officer Skotte attempted to handcuff Robles when Officer Hugoboom stated, *"Get his right hand first man. Get his right hand off that gun."* At 23:17:13 hours, Officer Hugoboom reached down and removed the pistol from Robles' right hand. Officer Hugoboom moved the pistol approximately four feet south of Robles and placed it on the ground in the driveway, and stated, *"Alright. Got it."*

According to Officer Hugoboom, he moved Robles' gun because Robles' finger was alongside the trigger and he felt he needed to move it for precautionary safety measures.

Sergeant Valento stated that in his opinion, based on his experience, Robles appeared to be deceased. *"He had significant impacts. In my opinion, based on my experience, my investigative experience, I did a tour in South Bureau Homicide, almost four and a half years, and to me he was deceased. He had multiple impacts to his head, brain matter, a significant amount of blood, significant trauma to his face."*⁹⁰

⁹⁰ Valento, Page 13, Lines 5-10.

After the contact team approached Robles and broadcast a Code Four at the location, Sergeant Cohen began separating the officers who were involved in the OIS.

According to Officer Skotte's BWV, at 23:19:23 hours, Sergeant Cohen was standing facing Officer Ybarra and stated, *"So do me a favor. You and your partner talk real fast, and then we're gonna give you, do your, thank you."* Officer Ybarra turned around and walked away and Officer Skotte followed him and asked, *"Did you deactivate?"* Sergeant Cohen turned toward Officer Skotte and asked, *"Wait, are you off? Are you on?"* Officer Skotte stated, *"I'm turning off now."* Sergeant Cohen stated, *"Okay, so..."* Sergeant Cohen's statement was cut off at this time when Officer Skotte deactivated his BWV at 23:19:36 hours.

According to Officer Skotte, he met with Officer Ybarra and discussed the process of how the OIS investigation would be handled. Officer Skotte stated, *"My partner asked me some of the questions on the public safety statement questionnaire, and then he told me that we would end up getting separated and that someone would be watching me."*⁹¹ Officer Skotte stated he thought Officer Ybarra asked him those questions, *"to prepare me -- for the actual Public Safety Statement sort of in a -- in a P-1 to T.O. mentorship relationship kind of way."*⁹²

According to Sergeant Cohen, she observed Officer Skotte to be visibly shaken at scene and did not believe that he was comprehending anything that she was saying. Sergeant Cohen stated, *"He basically look like he saw a ghost. And my concern for him was to make sure he felt okay and he felt safe. So I -- at that moment, I saw his -- I noticed his hand shaking. And when his hand was shaking, he turned off his body worn video. And then I said, 'Is your body worn video on?' And he said 'Yes.' And that's when I continued to say, 'Okay. Well this is where you -- Derrick, you need to take him. Go over there. You need to go through the FID process, the public safety statement process, and make sure he's okay."*⁹³

According to Officer Ybarra, Sergeant Cohen directed him to talk to Officer Skotte. Officer Ybarra checked on Officer Skotte's well-being and asked him how many rounds he fired. Officer Ybarra discussed the investigative process with Officer Skotte and advised him they would be separated, interviewed back at the station and brought back to the scene. Officer Ybarra did not talk to Officer Skotte or any other officers about the entire incident.

Sergeant Cohen separately obtained Public Safety Statements from Officers Ybarra, Skotte, Guereca, Fuchigami, and Espinoza. Sergeant Salazar separately obtained Public Safety Statements from Officers Hugoboom, Garcia and Burton. Metropolitan

⁹¹ Skotte, 2nd interview, Page 16, Lines 2-6.

⁹² *Id.*, Page 16, Lines 15-17.

⁹³ Sergeant Cohen's Statement, Page 11, Lines 20-25, Page 12, Lines 1-6.

Division uniformed Sergeant II Jeritt Severns, Serial No. 33807, obtained a Public Safety Statement from Officer McPheeters.

The following Metropolitan Division Officers responded to the help call and cleared the residence and detached structure in the rear yard for any additional victims or suspects: Police Officer III+1 Dana Oviatt, Serial No. 33495, Police Officer III Scott Jedlick, Serial No. 38395, Police Officer III Brian Collins, Serial No. 33382, Police Officer III Ivan Guillermo, Serial No. 39587, Police Officer III Brian Hegemier, Serial No. 40216, Police Officer III Jeffrey Rivera, Serial No. 37262, Police Officer III Eduardo Mendez, Serial No. 34798, Police Officer James Zourek, Serial No. 34445, along with Sergeant Severns, Officer McPheeters, Officer Lopez, Officer Medina, and Officer Richard Rivera,. The residence was cleared and no additional victims or suspects were located.

Los Angeles Fire Department, Rescue Ambulance (RA) No. 65, staffed by Firefighter/Paramedics (FF/PM) Randall Gaul, and Ofa Tulikihifo, received the alarm to respond to 1924 East 113th Street.

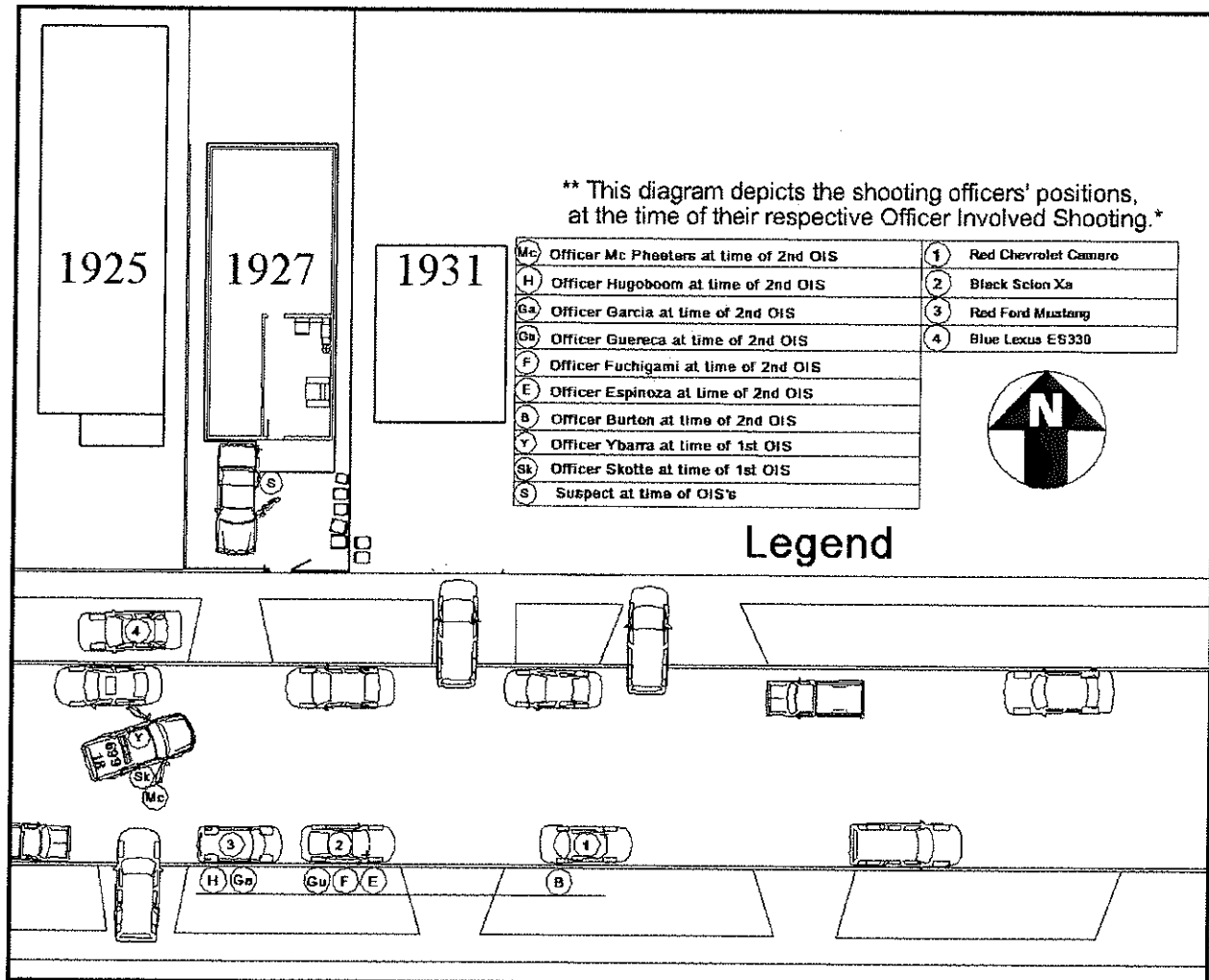
According to Sergeant Castellanos' BWV, at 23:23:30 hours, FF/PM Gaul and Tulikihifo assessed Robles at which time Sergeant Severns advised the paramedics they were in a "hot zone" because the residence had not been cleared. According to the LAFD, Prehospital Care Report Summary, FF/PM Gaul and Tulikihifo determined death at 23:49:13 hours.

The Department Operations Center (DOC) was notified of the OIS.

Captain III Alfred Pasos, Serial No. 25501, was the first representative from FID to arrive on May 1, 2019, at 0200 hours.

Force Investigation Division Sergeant II Lisa Ruvalcaba, Serial No. 35777, reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident to officers prior to being interviewed by FID investigators. Force Investigation Division received the Assessment of Supervisor's Response to a Categorical Use of Force on November 19, 2019 (Addenda Nos. 2 and 3).

Scene Description



Scene Diagram

The OIS occurred in the 1900 block of East 113th Street, in South Los Angeles. East 113th Street was an east/west residential street, measured 30 feet in width, with a single lane of traffic in each direction and parked vehicles on each side of the street. The neighborhood consisted of single-family residences.

The OIS incidents occurred in the street in front of 1927 East 113th Street, and along the south curb across the street from the location. Officer Ybarra was seated in the driver's side seat of his police vehicle and Officer Skotte was standing on the street when the first OIS occurred. Officer McPheeters was standing in the street when the second OIS occurred. Officers Garcia, Espinoza, Guereca, Hugoboom, Fuchigami and Burton were standing on the south curb along the passenger side of parked vehicles when the second OIS occurred.

The first OIS incident occurred during hours of darkness at approximately 2305 hours. The second OIS incident occurred five minutes later at approximately 2310 hours. There were two overhead street lights in the area of the OIS. One was located in front of 1918 East 113th Street. One was located in front of 1938 East 113th Street. Additional artificial lighting was provided by the Air Unit's Nightsun. The environmental conditions were dry with clear skies.

Canvass for Witnesses

On May 1, 2019, FID and Southeast Division personnel and FID personnel canvassed the 1900 block of East 113th Street for witnesses to the OIS. Investigators located four eye witnesses to the OIS. An additional canvass was conducted by FID personnel on July 10, 2019. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report. There were 19 witnesses who only heard shots. The number of gunshots heard by witnesses ranged from four to 74. Copies of their statement forms are in the FID casebook.

According to Witness Maritza Moya, she was inside of her residence at 1929 East 113th Street when she heard Robles outside talking loudly to himself in his front yard. Approximately 30 minutes later, Moya heard a helicopter. Moya looked out of her front window and saw Robles on top of his vehicle, holding a beer bottle and saying, *"Come on. Let's get this over with."*⁹⁴ Moya stated Robles got down from the vehicle, walked over to the front black pedestrian gate, opened the gate and waved his hands as if he was flagging someone in. Moya observed Robles go inside of his house so she looked away from the window.

Moya moved away from the window area and stated she heard three to four shots, and believed the sound came from the direction of Robles' driveway. Moya did not see Robles shoot, but described the following, *"I just assumed it was him, because it -- I don't know how to explain. When the officers shot, it sounded different and it sounded like if it was coming from the opposite direction. And when I heard the other shots, it sounded like the opposite."*⁹⁵

According to Moya, she looked out of her front window again and observed Robles lying on his stomach, next to the open driver side door of his vehicle. She observed a silver gun in his right hand. Moya stated, *"I seen that he had a beer in his hand. And I think that's when I went and I told Emily, 'Emily, wake up. The helicopter's here with Emilio.' And then I guess that's finally when I came back again. That's when I seen him and he was like on his stomach. He was holding his beer or drink. I'm not sure if it was even a*

⁹⁴ Witness Moya, Page 22, Lines 2-3.

⁹⁵ *Id.*, Page 49, Lines 19-23.

tequila bottle. I'm not really sure what it was. He was holding it with his left hand, and on the other hand that's when I seen the gun."⁹⁶

Moya stated she observed three police units at scene. Moya turned around from the window area to open the front door when she heard gunshots again. Moya did not see any of the officers shoot, however described it as multiple shooters.

Note: The investigation determined that Moya's front window was approximately 23 feet from where Robles was positioned in the driveway.

According to Witness David Real, he was standing approximately 15 feet behind the front gate of his residence at 1934 East 113th Street at the time of the incident. Real was standing outside for two to three minutes prior to the OIS. Real was unable to see Robles at the time of the incident. Real heard officers give commands for Robles to come out from behind the car. Real stated he observed approximately twenty officers at scene and heard approximately 60 gunshots. The only officer he described was a male black, who was facing in a northwesterly direction with a rifle. Real did not say how many rounds the officer fired.

According to Witness Jose Hernandez, he was inside of his residence at 1938 East 113th Street when he heard approximately 20 rounds fired. Hernandez walked outside of the house and stood at the front gate. Hernandez observed approximately 10 officers outside, armed with guns, but was unable to say with certainty what type of guns the officers had. Hernandez heard approximately 20-30 shots fired, and stated he believed it was from more than one weapon, however was unable to state how many officers or which officers fired because he did not see any of the officers fire their weapons.

Suspect Information



Emilio Luis Robles, male Hispanic, with brown hair and brown eyes. At the time of the incident, he was five feet, nine inches tall, weighed 200 pounds, with a date of birth of January 21, 1972. Robles was a resident of Los Angeles. Robles was identified by Criminal Information Index (CII) No. A09180315. Robles was not a documented gang member. Robles was not the subject of any prior LAPD Mental Evaluation Unit (MEU) contacts.

Robles's criminal history included three felony convictions. Robles was convicted of 11378 of the California Health and Safety Code (HS), Possession of a Controlled Substance for Sale on September 4, 1997, 211 of the California Penal Code (PC), Robbery on November 12, 1999, and 12021 (A)(1) PC, Felon in Possession of a Firearm on April 1, 2010 (Addendum No. 4).

⁹⁶ Witness Moya, Page 29, Lines 1-9.

As a result of this incident, FID Detective II Guillermo Medina, Serial No. 35905, completed an LAPD Investigative Report (IR) and a Follow-Up report for Attempted Murder of a Police Officer, DR Nos. 19-1811765, 19-1811766, 19-1811767, 19-1811768, 19-1811769, 19-1811770, 19-1811771, 19-1811772, 19-1811773, 19-1811774, and 19-1811775, listing Officers Derrick Ybarra, David Skotte, Shuhei Fuchigami, Christian Guereca, Richard Garcia, Kristofer Espinoza, Anthony Hugoboom, Ben McPheeters, Jimmy Gov, Craig Garcia, and Miguel Marin as the victims and Emilio Luis Robles as the suspect. On June 10, 2019, Detective Medina completed a Follow-Up Investigation Report for the above-listed Attempt Murder on Police Officers, with a case status of Cleared Other. (Addenda Nos. 5 and 6).

Injuries

On April 30, 2019, at approximately 2314 hours, LAFD RA No. 65, staffed by Firefighter/Paramedics (FF/PM) Randall Gaul, Serial No. P6995, and Ofa Tulikihifo, Serial No. P12202, received the alarm to respond to 1924 East 113th Street.

According to Sergeant Castellano's BWV, FF/PM Gaul and Tulikihifo walked into the driveway area and assessed Robles' at 23:23:30 hours.

According to the Los Angeles Fire Department, Prehospital Care Report Summary, FF/PM Gaul and Tulikihifo arrived at the driveway for a male lying prone pulseless and apneic due to a shooting by LAPD. Firefighter Paramedic Tulikihifo conducted an assessment of Robles at 23:48:55 hours and the time of death was determined at 23:49:13 hours. Robles was not transported to the hospital (Addendum No. 7).

Evidence

On May 1, 2019, at approximately 0455 hours, Firearms Analysis Unit (FAU) Supervising Criminalist Jessica Moody, Serial No. N4576, along with Criminalist II Kathe Canlas, Serial No. N5598, and Criminalist I Maria Gonzalez, Serial No. N6268, responded to the scene and conducted an examination of the OIS scene for ballistic impacts, trajectories, and projectiles.

A total of 147 items of evidence were collected from the crime scene, the Los Angeles County Coroner's Office and the test fire analysis from FAU. The items in conjunction with this investigation were booked into evidence under DR No. 19-1811272. Included in those items were a .45 caliber Smith & Wesson pistol (Item No. 13), a magazine removed from Item No. 13 (Item No. 14), a discharged, .45 caliber cartridge case removed from the chamber of Item No. 13 (Item No. 15), and three, .45 caliber discharged cartridge cases recovered from the ground of the driveway (Item Nos. 17-19). In addition, four, .45 caliber discharged cases were recovered from the inside of Officer Ybarra and Skotte's police vehicle (Item Nos. 20-22 and 24) and one .45 caliber discharged case was recovered from the street near police vehicle, Shop No. 80699 (Item No. 23), 21, 9mm discharged cases were recovered from the OIS scene (Item Nos. 25-45), 19, 5.56X45 mm caliber discharged cases were recovered from the OIS scene (Item Nos. 46-63), and 2, 12 gauge discharged shotshells (Item Nos. 64-65).

Twenty-four fired bullets and metal fragment items were recovered from the OIS scene (Item Nos. 69-92). Item No. 92, a fired bullet was recovered by Detective III Kevin Huff, Serial No. 34099 during the crime scene clean-up and delivered to FAU for booking. On December 2, 2019, Criminalist Moody completed a laboratory report documenting Crime Scene Evidence Collection (Addenda Nos. 8 and 9).

Item Nos. 1 and 2, Apple cell phones were recovered from Robles' pants pocket and booked as evidence. Item No. 16, Ring video doorbell device was recovered from the front door security gate by FAU and booked as evidence. Force Investigation Division, Detective II John Macchiarella, Serial No. 35095, authored a search warrant for the cell phones in an attempt to obtain information for the Ring application located inside the phone. The phones were sent to the Orange County Regional Computer Forensics Laboratory to ascertain if the Ring video doorbell device captured video of the incident. As of the date of this report, the Orange County Regional Computer Forensics Laboratory has not been able to obtain the password for the cell phone. It is unknown if the Ring video doorbell account was operable on the date of the incident. Force Investigation Division, Detective II Gerald McCarthy, Serial No. 31125, submitted a Preservation of Account Request to The Ring Subpoenas Team (Addenda Nos. 10 and 11).

Coroner's Investigation

Coroner's Response

On May 1, 2019, at 0530 hours, the Los Angeles County Department of Coroner's Office was notified regarding the death of Robles. On May 1, 2019, at 0855 hours, Los Angeles County Medical Examiner-Coroner, Forensic Attendant Steven Lopez transported Robles' remains to the Coroner's Office. Prior to transporting Robles, Los Angeles County Medical Examiner-Coroner Investigator Anthony Lopez processed Robles' hands for gunshot residue.

Autopsy

On May 2, 2019, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor Lawrence Nguyen performed a post-mortem examination of Robles' remains. Force Investigation Division Detectives Miguel Barajas, Serial No. 35885, and Macchiarella, were present during the examination. Doctor Nguyen concluded Robles' death was caused by multiple gunshot wounds. In addition, Doctor Nguyen obtained specimens from Robles for toxicological analysis (Addendum No. 12).

Doctor Nguyen determined that Robles sustained nine gunshot wounds. The wounds were arbitrarily lettered. A total of six projectiles were recovered as evidence and were booked as Item No. 9.

Note: During a review of the Autopsy Report, a discrepancy of gunshot wounds G, H and I, between the Anatomical Summary and those described in the body of the report was discovered. Doctor Nguyen

completed a Supplemental Report to correct the discrepancies (Addendum No. 13).

Gunshot Wound A: entered the right frontal scalp. The bullet had a trajectory of downward and back to front. A bullet was recovered from the right chin.

Gunshot Wound B: entered the left brow and exited the left chin. The bullet had a trajectory of downward. No projectile was recovered.

Gunshot Wound C: entered the left upper ear. The bullet had a trajectory of downward. A bullet was recovered from the left posterior chest cavity.

Gunshot Wound D: graze wound of the right posterior neck. The bullet had a trajectory of downward. Bullet fragments were recovered embedded in the skin of the right posterior neck below the graze wound.

Gunshot Wound E: entered the left posterior shoulder. The bullet had a trajectory of downward. A bullet was recovered from the subcutaneous soft tissue of the left posterior shoulder.

Gunshot Wound F: entered the left bicep. The bullet had a trajectory downward (with the arm in a raised position above shoulder height). A bullet was recovered from the left lateral chest wall.

Gunshot Wound G: entered the left posterior proximal forearm. The bullet had a trajectory of back to front. A bullet was recovered from the underlying soft tissue.

Gunshot Wound H: entered the left posterior wrist. The bullet had a trajectory of back to front. Bullet fragments were recovered from the left wrist.

Gunshot Graze Wound I: graze wound of the left distal forearm. The bullet had a trajectory of upward and left to right. No projectile was recovered.

Coroner's Test Results

Toxicology

On June 14, 2019, a Laboratory Analysis Summary Report was approved by Los Angeles County Department of Coroner Supervising Criminalist I, Sarah Buxton de Quintana. The analysis results documented Robles had a positive presence of 11-nor-Delta-9-Carboxy-THC, Free in his urine, and 0.058 g% of ethanol, 1.1 ug/mL of methamphetamine, and 0.07 ug/mL of amphetamine in his blood at the time of his death (Addendum No. 14).

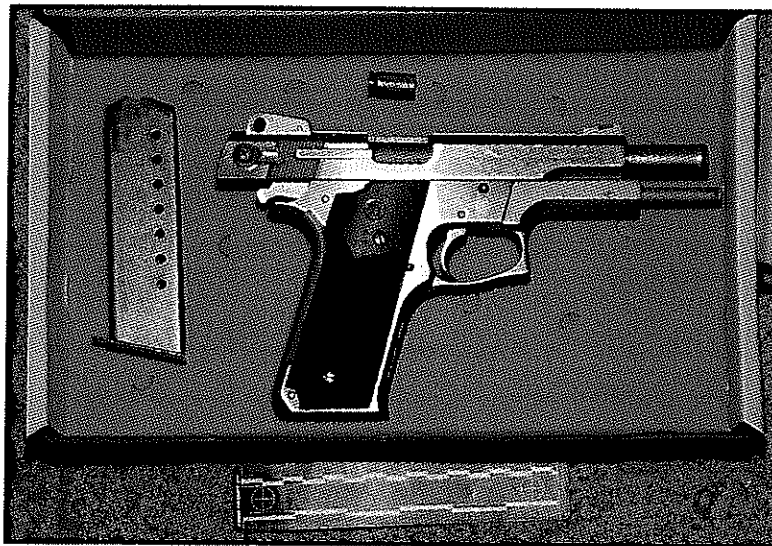
Gunshot Residue

On August 2, 2019, LACFSC Senior Criminalist Melvina Gin concluded her analysis on the gunshot residue (GSR) kit. The analysis determined Robles' right hand contained five or more particles (Lead, Antimony, and Barium) characteristic of GSR. In addition, Robles' left hand contained five or more particles (Lead and Antimony) consistent with GSR. Criminalist Gin concluded Robles may have discharged a firearm, been in the vicinity of the discharge of a firearm, or touched a surface with gunshot residue on it (Addendum No. 15).

Clothing Analysis

Forensic Science Division, Supervising Criminalist III Kathleen Alvarado, Serial No. N4216, advised that a distance determination would not be of value in this case since the incident was captured on BWV and the estimated range in distance varied from 40-71 feet. The defects in the clothing can be observed in the photographs stored under Control No. D0769297.

Weapons



Emilio Luis Robles was armed with a stainless steel, .45 caliber Smith & Wesson, model 645 pistol, serial number TBM1205. On May 1, 2019, FAU Criminalists Moody and Perez recovered the pistol from the ground on the driveway of 1927 East 113th Street. The pistol was lying on the left side with the muzzle pointing southwest and the magazine fully inserted. The hammer was not cocked, and the safety was off. One discharged cartridge case was removed from the chamber of the pistol. No ammunition was removed from the magazine.

A Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms Trace Summary determined that the firearm was traced to a federal firearms licensee dealer and there was no record for the firearm. The lack of record may be

attributed to the dealer suffering a massive fire and losing the records (Addenda Nos. 16 and 17).

Office Skotte was armed with his Department-issued black 9mm Smith & Wesson Model M&P semiautomatic pistol, Serial No. HUD3581. The pistol was carried in a Department-approved Safariland holster, equipped with a triple-retention feature. The pistol was equipped with a Streamlight TLR-1 HL tactical light. According to Officer Skotte, at the time of the OIS, the pistol was loaded to capacity with 18 rounds of Speer LE Gold Dot 9mm Luger ammunition. Seventeen rounds were in the magazine and one round was in the chamber of the pistol.

On May 1, 2019, at approximately 0800 hours, FID Detective II Robert Castaneda, Serial No. 26772, conducted a post-incident examination of Officer Skotte's pistol. He determined the firearm was loaded with one round in the chamber and 12 rounds of Department-approved Speer LE Gold Dot 9mm Luger ammunition in the magazine. He also inspected two additional magazines that were carried in Officer Skotte's magazine pouch. The magazines were each loaded with 17 rounds of the same Department-approved ammunition. Five discharged cartridge cases were collected on East 113th Street and determined to have been fired from Officer Skotte's pistol. This information was consistent with Officer Skotte having fired a total of five rounds during the OIS. On July 12, 2019, FSD FAU Criminalist III Fadil Biraimah, Serial No. N3140, completed a report documenting the test-firing of Officer Skotte's pistol. The trigger pull value for this pistol was within the Department's established range (Addendum No. 18).

Detective Carrillo queried Officer Skotte's 9mm Smith & Wesson pistol through FITS and determined it was registered with the Department Armory since April 25, 2017.

Officer Ybarra was armed with his personally purchased .45 caliber stainless steel Smith & Wesson Model 4506 semiautomatic pistol, Serial No. VJJ9447. The pistol was carried in a Department-approved single retention holster. According to Officer Ybarra, at the time of the OIS, the pistol was loaded to capacity with nine rounds of ACP Federal Premium .45 caliber ammunition. Eight rounds were in the magazine and one round was in the chamber of the pistol.

On May 1, 2019, at approximately 0820 hours, Detective Castaneda conducted a post-incident examination of Officer Ybarra's pistol. He determined the firearm was loaded with one round in the chamber and three rounds of Department approved ACP Federal Premium .45 caliber ammunition in the magazine. He also inspected two additional magazines that were carried in Officer Ybarra's magazine pouch. The magazines were each loaded with eight rounds of the same Department-approved ammunition. Five discharged cartridge cases were collected on East 113th Street and determined to have been fired from Officer Ybarra's pistol. This information was consistent with Officer Ybarra having fired a total of five rounds during the OIS.

On July 9, 2019, FSD FAU Criminalist II Anette Woiwode, Serial No. N4427, completed a report documenting the test-firing of Officer Ybarra's pistol. The trigger pull value for this pistol was within the Department's established range (Addendum No. 19).

Detective Carrillo queried Officer Ybarra's .45 caliber Smith & Wesson pistol through the Department's Firearm Inventory Tracking System (FITS) and determined that the pistol was registered with the Department Armory since February 3, 2019.

Officer McPheeters was armed with his Department-issued black 5.56 mm Heckler & Koch model HK 416D semi-automatic rifle, Serial No. 88-002686. The rifle was equipped with a Streamlight tactical light, which was inoperable at the time of the OIS, and an ACOG trijicon six power magnification scope which was carried with a Department approved two-point sling. According to Officer McPheeters, at the time of the OIS, the rifle was loaded to capacity with 28 rounds of Department approved 5.56 mm Winchester full metal jacket ammunition. 27 rounds were in the magazine and one round was in the chamber of the rifle.

On May 1, 2019, at approximately 0911 hours, Detective Castaneda conducted a post-incident examination of Officer McPheeters' rifle. He determined the rifle was loaded with one round in the chamber and 23 rounds in the magazine of Department-approved 5.56 mm Winchester full metal jacket ammunition. Four discharged cartridge cases were collected on East 113th Street and determined to be fired from Officer McPheeters' rifle. This information was consistent with Officer McPheeters having fired a total of four rounds during the OIS.

On July 2, 2019, FSD FAU Criminalist Woiwode completed a report documenting the test-firing of Officer McPheeter's rifle. The trigger pull value for this rifle was within the Department's established range (Addendum No. 20).

On July 23, 2019, Detective Barajas contacted the METRO Armory and spoke with Police Officer III Brian Indreland, Serial No. 37296, assigned to the METRO Armory. Officer Indreland queried the Department Kitroom Inventory Tracking System (KITS) and determined that Officer McPheeter's 5.56 mm H&K rifle was registered with the Department Armory since June 13, 2012.

Officer Guereca was armed with his Department-issued black 9mm Glock Model 17 GEN 4 semi-automatic pistol, Serial No. RAN385. The pistol was carried in a Department-approved Safariland holster, equipped with a double-retention feature. The pistol was equipped with a Surefire X300 tactical light. According to Officer Guereca, at the time of the OIS, the pistol was loaded to capacity with 18 rounds of Speer LE Gold Dot 9mm Luger ammunition. Seventeen rounds were in the magazine and one round was in the chamber of the pistol.

On May 1, 2019, at approximately 1000 hours, Detective Castaneda conducted a post-incident examination of Officer Guereca's pistol. He determined the firearm was loaded with one round in the chamber and 13 rounds of Department-approved Speer LE Gold

Dot 9mm Luger ammunition in the magazine. He also inspected two additional magazines that were carried in Officer Guereca's magazine pouch. The magazines were each loaded with 17 rounds of the same Department-approved ammunition. Four discharged cartridge cases were collected on East 113th Street and determined to have been fired from Officer Guereca's pistol. This information was consistent with Officer Guereca having fired a total of four rounds during the OIS.

On June 12, 2019, FSD FAU Criminalist II Jacob Seror, Serial No. N4571, completed a report documenting the test-firing of Officer Guereca's pistol. The trigger pull value for this pistol was within the Department's established range (Addendum No. 21).

Detective Carrillo queried Officer Guereca's 9mm Glock pistol through FITS and determined it was registered with the Department Armory since September 5, 2011.

Officer Burton was armed with his personally purchased black 5.56 mm Colt model M4-LE6940 semi-automatic long rifle, Serial No. 266439. The rifle was equipped with a Streamlight TLR-1 tactical light, with a Leupold Mark-4 three power magnification scope and carried with a Department approved two-point sling. According to Officer Burton, at the time of the OIS, the rifle was loaded to capacity with 28 rounds of Department approved 5.56 mm Black Hills TSX ammunition. Twenty-seven rounds were in the magazine and one round was in the chamber of the rifle.

On May 1, 2019, at approximately 0933 hours, Detective Castaneda conducted a post-incident examination of Officer Burton's rifle. He determined the rifle was loaded with one round in the chamber and 12 rounds in the magazine of Department-approved 5.56 mm Black Hills TSX Winchester ammunition. Fifteen discharged cartridge cases were collected on East 113th Street and determined to be fired from Officer Burton's rifle. This information was consistent with Officer Burton having fired a total of 15 rounds during the OIS.

On June 14, 2019, FSD FAU Criminalist Seror completed a report documenting the test-firing of Officer Burton's rifle. The trigger pull value for this pistol was within the Department's established range (Addendum No. 22).

Detective Carrillo queried Officer Burton's 5.56 mm Colt through FITS and determined it was registered with the Department Armory since February 10, 2014.

Officer Espinoza was armed with his Department-issued black 9mm Glock Model 17 GEN 4 semi-automatic pistol, Serial No. BFMT662. The pistol was carried in a Department-approved Safariland holster, equipped with a triple-retention feature. The pistol was equipped with a Surefire X300 tactical light. According to Officer Espinoza, at the time of the OIS, the pistol was loaded to capacity with 18 rounds of Speer LE Gold Dot 9mm Luger ammunition. Seventeen rounds were in the magazine and one round was in the chamber of the pistol.

On May 1, 2019, at approximately 0835 hours, Detective Castaneda conducted a post-incident examination of Officer Espinoza's pistol. He determined the firearm was loaded with one round in the chamber and eight rounds of Department-approved Speer LE Gold Dot 9mm Luger ammunition in the magazine. He also inspected two additional magazines that were carried in Officer Espinoza's magazine pouch. The magazines were each loaded with seventeen rounds of the same Department-approved ammunition. Nine discharged cartridge cases were collected on East 113th Street and determined to have been fired from Officer Espinoza's pistol. This information was consistent with Officer Espinoza having fired a total of nine rounds during the OIS.

On June 28, 2019, FSD FAU Criminalist III Brian Reinarz, Serial No. N5624, completed a report documenting the test-firing of Officer Espinoza's pistol. The trigger pull value for this pistol was within the Department's established range (Addendum No. 23).

Detective Carrillo queried Officer Espinoza's 9mm Glock pistol through FITS and determined it was registered with the Department Armory since November 20, 2018.

Officer Fuchigami was armed with his Department-issued black 9mm Smith & Wesson Model M&P semiautomatic pistol, Serial No. HSF7094. The pistol was carried in a Department-approved Safariland holster, equipped with a triple-retention feature. The pistol was equipped with a Surefire X300 tactical light. According to Officer Fuchigami, at the time of the OIS, the pistol was loaded to capacity with 18 rounds of Speer LE Gold Dot 9mm Luger ammunition. Seventeen rounds were in the magazine and one round was in the chamber of the pistol.

On May 1, 2019, at approximately 0950 hours, Detective Castaneda conducted a post-incident examination of Officer Fuchigami's pistol. He determined the firearm was loaded with one round in the chamber and 14 rounds of Department-approved Speer LE Gold Dot 9mm Luger ammunition in the magazine. He also inspected two additional magazines that were carried in Officer Fuchigami's magazine pouch. The magazines were each loaded with 17 rounds of the same Department-approved ammunition. Three discharged cartridge cases were collected on East 113th Street and determined to have been fired from Officer Fuchigami's pistol.

This information was consistent with Officer Fuchigami having fired a total of three rounds during the OIS.

On June 28, 2019, FSD FAU Criminalist Reinarz completed a report documenting the test-firing of Officer Fuchigami's pistol. The trigger pull value for this pistol was within the Department's established range (Addendum No. 24).

Detective Carrillo queried Officer Fuchigami's 9mm Glock pistol through FITS and determined it was registered with the Department Armory since January 6, 2014.

Officer Garcia was armed with his personally purchased, 12-gauge Benelli M4 semiautomatic shotgun, Serial No. Y033789. The shotgun was carried with a

Department approved two-point sling and was equipped with a Surefire X300 tactical light. According to Officer Garcia, at the time of the OIS, the shotgun was loaded with six rounds of, Department approved ammunition, four Federal Premium, 12 gauge, 2 ¾ "OO" buck, nine pellet Magnum shotgun shells and two rounds of Winchester Ranger, 12 gauge, 2 ¾, Low Recoil, one-ounce slug shotgun shells.

On May 1, 2019, at 1015 hours, Detective Castaneda conducted a post-incident examination of Officer Garcia's shotgun. He determined the shotgun had one slug shotgun shell in the chamber or four shotgun shells in the magazine tube, which consisted of one slug shotgun shell and three "OO" buck shotgun shells. There was a side saddle-cuff containing three, Department approved ammunition, Federal Premium, 12 gauge, 2 ¾ "OO" buck shotgun shells. The single Winchester Ranger, 12 gauge, 2 ¾, Low Recoil expended shotgun shell collected during the processing of the OIS scene was consistent with Officer Garcia having fired one shotgun round during the OIS.

On June 5, 2019, FAU Criminalist II Daniel Rubin, Serial No. G9077, completed a report documenting the test firing of Officer Garcia's shotgun. The shotgun was found to be functional and the trigger pull value for this shotgun was within the Department's established range (Addendum No. 25).

Detective Carrillo queried Officer Garcia's Benelli M4 shotgun through FITS and determined it was registered with the Department Armory since September 28, 2010.

Officer Hugoboom was armed with his personally purchased Remington 12-gauge model 870 shotgun, Serial No. RS540110G. The shotgun was equipped with a Surefire tactical light and with a two-point Blue Force Gear sling. According to Officer Hugoboom, at the time of the OIS, the shotgun was loaded with four Department-approved Federal Premium 12-gauge 2 ¾, "OO" buck, nine pellet shotgun shells. After the OIS, Officer Hugoboom removed a Federal Premium 12-gauge "OO" buck shotgun shell from the chamber and chamber loaded one Winchester Ranger, 12-gauge, 2 ¾, low recoil, 1-ounce slug shotgun shell.

On May 1, 2019, at 0850 hours, Detective Castaneda, conducted a post-incident examination of Officer Hugoboom's shotgun. He determined the shotgun was loaded with one Department-approved Winchester Ranger, 12-gauge, 2 ¾, low recoil, 1-ounce slug shotgun shell in the chamber and two Department-approved Federal Premium 12-gauge 2 ¾, "OO" buck, nine pellet shotgun shells in the magazine. The single expended Federal Premium 12-gauge 2 ¾, "OO" buck, nine pellet shotgun shell collected during the processing of the OIS scene was consistent with Officer Hugoboom having fired one shotgun round during the OIS.

On June 5, 2019, FAU Criminalist Rubin completed a report documenting the test firing of Officer Hugoboom's shotgun. The shotgun was found to be functional and the trigger pull value for this shotgun was within the Department's established range (Addendum No. 26).

Detective Carrillo queried Officer Hugoboom's Remington 12-gauge 870 shotgun through FITS and determined it was registered with the Department Armory since January 22, 2013.

Firearms Analysis

On December 2, 2019, Criminalist Moody, completed a Bullet Path Analysis Report. Criminalist Moody identified 54 bullet related pathways (Addendum No. 27).

Three bullet pathways were observed on police vehicle, Shop No. 80699, located on the street in front of 1927 East 113th Street.

One bullet pathway was observed on the Ford Mustang, California (CA) license 4UZR333, parked at the south curb in front of 1928 East 113th Street. The pathway was consistent with a south to north, east to west and approximately level directionality.

Twenty-seven bullet pathways were observed on the Buick Regal, CA license 2AKB811, parked in the driveway of 1927 East 113th Street. Eight were consistent with a south to north, directionality, six were consistent with a south to north, and east to west directionality, three were consistent with a south to north, west to east, and downward directionality, two were consistent with a south to north, east to west, and approximately level directionality, six were consistent with a south to north, east to west and downward directionality, and two were consistent with an east to west directionality.

Ten bullet pathways were observed on the wrought iron fence in front of 1927 East 113th Street. One was consistent with a north to south, east to west, and approximately level directionality, two were consistent with a south to north and west to east directionality, one was consistent with a south to north, west to east and approximately level directionality, one was consistent with a south to north, east to west and upward directionality, one was consistent with a south to north, east to west and downward directionality, two were consistent with a south to north and east to west directionality, and two were consistent with bullet pathways, however no directionality could be determined due to the condition of the impacts.

Four bullet pathways were observed on the cement area in front of 1927 East 113th Street, consistent with a south to north, east to west and downward directionality.

Nine bullet pathways were observed on the south face of the residence at 1927 East 113th Street. Seven were consistent with a south to north directionality, one was consistent with a south to north and east to west directionality, and one was consistent with a south to north and upward directionality.

On December 2, 2019, Criminalist Moody completed a laboratory report documenting Deoxyribonucleic acid (DNA) Collection. Criminalist Moody swabbed Robles' pistol, magazine and one discharged cartridge removed from the chamber of the pistol. The

swabs were booked as evidence at the Forensic Science Center, Item Nos. 13 through 15. (Addendum No. 28).

On July 19, 2019, Criminalist Rubin, completed a laboratory report documenting the Bullet/Cartridge Case Comparison and Test Fire Firearm. Criminalist Rubin examined and test fired Robles' pistol using laboratory ammunition. Criminalist Rubin determined that Robles' pistol was functional. Cartridge Case evidence, Item Nos. 15-19, were fired from Robles' pistol (Item No. 13). Item No. 85, a metal fragment collected from under the police vehicle (Shop. No. 80699), and Item No. 100, the fired bullet collected from the insulation within the headliner of police vehicle (Shop No. 80699), were determined to have been fired from Robles' pistol. Item No. 84, a metal fragment collected from under the police vehicle (Shop No. 80699), had limited comparative value and no further analysis was performed. The test fire cartridges from Robles' pistol were entered into the National Integrated Ballistics Information Network (NIBIN) (Addendum No. 29).

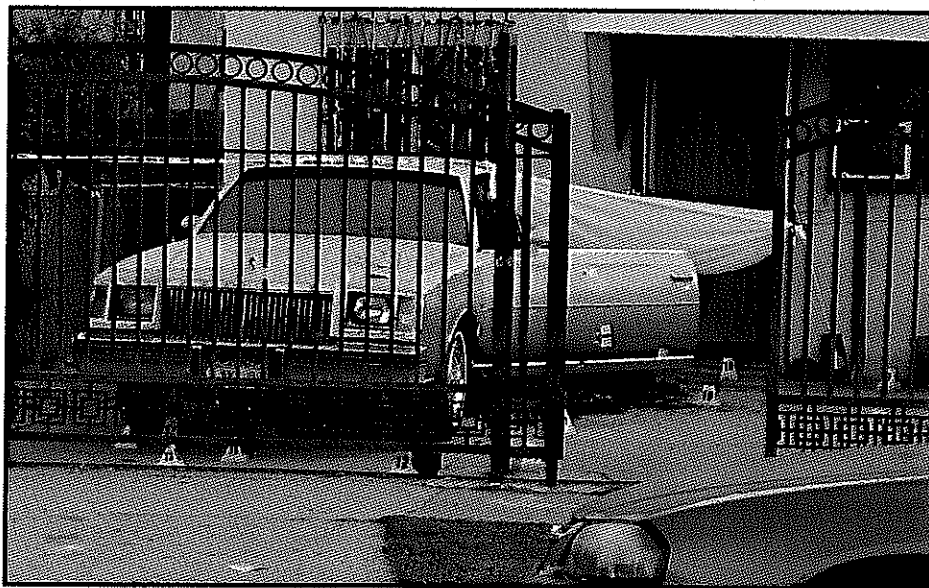
Forensic Science Division, FAU, Criminalist Kuang Siu, Serial No. N4617, determined that four fired bullets recovered from Robles' remains during the autopsy exhibited general rifling characteristics consistent with Officer Burton's rifle (Projectile Envelope 1,4,6 and 7 of 8). One fired bullet exhibited general rifling characteristics consistent with Officer McPheeters' rifle (Projectile Envelope 2 of 8). Three fired bullet fragments were consistent with 00 Buck from ammunition designated 12-gauge, which includes Department approved duty ammunition of Federal Premium, 12-gauge, 2 ¾", 9 pellets 00 Buck shotshell (Projectile Envelope 3 of 8). One fired bullet fragment exhibited general rifling characteristics consistent with Officer Fuchigami's pistol (Projectile Envelope 5 of 8) and one fired bullet fragment lacked sufficient information to determine if it was projectile related and therefore no further analysis was performed (Projectile Envelope 8 of 8) (Addendum No. 30).

Vehicles

Officers Ybarra and Skotte were driving a 2015 Ford Explorer, Shop No. 80699, California Exempt Plate No. 1462895. This vehicle sustained two impacts from Robles' gunfire. Per the FAU Bullet Path Analysis Laboratory Report, the impacts were consistent with a north to south, east to west and downward directionality, labeled as Impact A and Impact C. The vehicle sustained one impact on the driver's side door frame which was consistent with south to north, west to east and upward directionality, and was labeled as Impact B.



The vehicle parked in the driveway of Robles' residence was a 1979 Buick Regal, 2-door, tan, California (CA) Plate 2AKB811. The vehicle was registered to Robles. The driver side door was open at the time of both officer involved shootings. The FAU Bullet Path Analysis Laboratory Report indicated a total of 27 bullet pathways in the vehicle. Robles' vehicle was towed to the Los Angeles Police Department Forensic Lab for processing. Upon completion, the vehicle was impounded to Kelmark Tow and made available for release (Addendum No. 31).



An unoccupied, red, Ford Mustang, CA Plate No. 4UZR333, was parked along the south curb in front of 1928 East 113th Street. The FAU Bullet Path Analysis Laboratory Report indicated the impact was consistent with south to north, east to west and approximately level directionality, labeled as Impact E.



Visual Documentation

Digital In-Car Video System (DICVS)

Force Investigation Division Sergeant Ruvalcaba reviewed the DICVS to ascertain if any DICVS-equipped units responded to this incident. At the time of the first OIS, there was one unit at scene and their DICVS was not activated. At the time of the second OIS, there were seven additional black and white police vehicles parked in line, facing east, west of Officers Ybarra and Skotte's police vehicle, on East 113th Street. The police vehicles were not in a position to capture the second OIS. Officers Reyes and Burton's black and white police vehicle was parked facing westbound, just east of Robles' location. There were no other police vehicles parked on the street east of Robles' location. Officers Reyes and Burton's DICVS was activated, however due to the lighting of the vehicles facing eastbound, it did not capture the second OIS. Officers Reyes and Burton's DICVS did capture the audio of the second OIS.

Body Worn Video (BWV)

Force Investigation Division Sergeant Ruvalcaba reviewed the BWV system to ascertain if any BWV equipped officers responded to this incident. At the time of the first OIS, there was one unit at scene. One of the officers activated his BWV and one did not activate his BWV at any point during the incident.

At the time of the second OIS, there were 11 additional two-officer units at scene. One officer was in a police vehicle with a sergeant. Twenty-three of the 23 officers at scene activated their BWV as required per Department policy. Officer Braun activated his BWV upon arrival, however, the BWV was turned off when his patrol rifle pressed against the camera. Officer Braun's camera did not capture the OIS, however he reactivated immediately after he realized it was not on. The second OIS was captured

on the following officers' BWV: Officers Skotte, Languren, Mott, C. Garcia, Lugo, R. Garcia, Guereca, Chung, Hawkins, Espinoza, Sweet, Fuchigami, Gov, Hugoboom, Williams, Marin, Braun (accidentally deactivated with patrol rifle), McCormick, Cooper, Rareba, McPheeters, Lopez, Rivera, and Medina.

Four out of the five sergeants at scene activated their BWV as required per Department Policy. Sergeant Valento activated his BWV approximately ten minutes after arriving at scene. The OIS was captured on the following sergeants' BWV: Ruiz, Cohen, Castellanos, and Salazar.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites, including YouTube, Facebook, and Twitter, from the date of the incident until the submission of this investigative report. No additional evidence, information or witnesses were identified.

Other Department Video

None

Outside Video

On May 1, 2019 and July 10, 2019, FID investigators canvassed the area of the 1900 block of East 113th Street. No video surveillance systems were located.

A news media helicopter from KABC, Channel 7, Los Angeles, was overhead and captured a portion of the incident including the second OIS. Force Investigation Division detectives served a search warrant and obtained the video footage from KABC, Channel 7, Los Angeles.

Photographs

Photographs of the OIS scene and associated evidence are stored under Control Nos. 0769296, 0769297, 0769304, 0786971, and 0786972.

Notifications

On May 1, 2019, at 0015 hours, Sergeant II Darcy Cornwell, Serial No. 34917, Southeast Patrol Division Assistant Watch Commander, notified the Department Operations Center (DOC) of the OIS (Addendum No. 32).

Personnel at Scene

Force Investigation Division Captain Alfred Pasos arrived at scene on May 1, 2019, at approximately 0200 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

Communications

A copy of the CD printout relative to the OIS incident, Incident No. 190430006583, is on file at FID. A digital recording of Southeast Area Base Frequency, Metropolitan Area Base Frequency, and the 911 call are kept on file at CD. The digitally-recorded interviews of the involved and percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database (Addendum No. 33).

Justice System Integrity Division

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented shortly after completion of this administrative report.

Investigators' Notes

1. According to Officer Ybarra, his HRD was cut off a suspect approximately six months prior. Officer Ybarra did not replace his HRD after that because he did not know how to obtain an HRD, other than buying one. According to Officer Ybarra, his OC spray was in his equipment bag inside of his police vehicle. The equipment pouch that held his OC spray on his Sam Browne was broken approximately two weeks prior. Officer Ybarra stated he did not try to fix it or obtain a new pouch.
2. Southeast Patrol Division uniformed Police Officer II Evan Mott, Serial No. 43102, (driver) and Police Officer II, Oscar Languren, Serial No. 43294, (passenger) were driving a black and white police vehicle, Shop No. 89499, assigned Unit 18A1. According to Officer Languren's BWV, he arrived at scene and exited his vehicle at 23:05:50 hours. Officer Languren deployed a 40mm Less-Lethal Launcher and ran to where Officer Skotte was standing on the passenger side of Officers Ybarra and Skotte's police vehicle. At 23:05:57 hours, Officer Languren placed the 40mm Less-Lethal Launcher on the ground next to where he was standing and unholstered his pistol. At 23:06:33 hours, Officer Languren picked up the 40mm Less-Lethal Launcher, and placed it on the ground behind the trunk of Officers Ybarra and Skotte's police vehicle, and at 23:06:43 hours, picked it up again and slung it.

According to Officer Languren, he stated that if he had to estimate, he believed he placed the 40mm Less-Lethal Launcher on the ground for two seconds.

3. The investigation determined that the question heard by Officer Gov regarding a designated shooter was not made by a supervisor. The question was asked by

Metropolitan Division, Police Officer III Richard Rivera, Serial No. 39415. According to Officer Rivera, he was trying to assist with the command and control of the incident, and asked Officer Gov if there was a designated shooter. Officer Rivera stated he observed a rifle shooter with a direct line of sight toward the suspect. According to Officer Craig Garcia's BWV, Officer Craig Garcia who was armed with a rifle, stated, "I got him," when Officer Rivera was trying to determine if there was a designated shooter.

4. As a result of this incident, a complaint investigation was generated against Sergeant Cohen, CF No. 19-001738 for directing officers Ybarra and Skotte to speak prior to obtaining a PSS, and against Officer Ybarra, CF No. 19-001837, for failing to activate his BWV.

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CHIEF OF POLICE REPORT⁹⁷

Chief of Police Findings

Tactics – Administrative Disapproval, Sergeant Ruiz. Tactical Debrief, Sergeants Cohen and Valento, in addition to Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra.

Drawing/Exhibiting – In Policy, No Further Action, Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra.

Lethal Use of Force – In Policy, No Further Action, Officers Ybarra, Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte, and Burton (Rounds 1-4). Out of Policy, Administrative Disapproval, Officer Burton (Rounds 5-15).

Chief of Police Analysis

Detention

- The involved officers responded to a radio call of a man with a gun. Officers assigned to Air Support Division arrived overhead the location in the air unit and observed the suspect. As the officers on the ground arrived and were directed to the location of the suspect, the suspect fired his handgun at the officers, striking their police vehicle, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

- *Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

⁹⁷ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Ybarra advised Officer Skotte that due to the nature of the radio, to consider cover during the incident. Once containment was established at the incident, Sergeant Ruiz, the first supervisor at scene, should have taken a more active role in developing and communicating a tactical plan with the officers. Sergeant Valento arrived at scene approximately six seconds prior to the second OIS, thus he had minimal time to plan with the officers. Sergeant Valento assembled a contact team, which included a ballistic shield, and planned the approach to take Robles into custody. Sergeant Valento also planned for medical treatment and requested LAFD to preemptively stage near the location pending the need for emergency medical treatment.

Assessment – Officers Ybarra and Skotte utilized fire control, assessing between each round to determine when Robles no longer presented an immediate threat. Officer Medina realized that officers were at a tactical disadvantage and recommended that Sergeant Ruiz redeploy them due to their proximity to Robles. Multiple officers continually assessed Robles actions and communicated them to the officers around them. The deployment of magnified optic sights by Officers McPheeters allowed for more effective assessment of Robles' actions.

On the other hand, the Chief noted that Officer Burton was in the best tactical position to observe Robles actions. Further, his Patrol Rifle was equipped with magnified optics. His position and optics would have allowed him the opportunity to more effectively assess the ongoing threat presented by Robles. Consequently,

Officer Burton's fire control caused the Chief significant concern and compelled the need for greater scrutiny.

Time – Robles initiated and rapidly escalated the incident, firing his handgun at Officers Ybarra and Skotte upon their arrival. Officers Ybarra and Skotte returned fire to protect themselves from Robles' deadly threat. After the initial OIS, Officers Ybarra and Skotte maintained a position of cover and directed officers to stay back from Robles to avoid placing them in immediate danger. Additionally, responding officers maintained a position of cover and attempted to communicate repeatedly with Robles. By using parked vehicles as cover and by maintaining their distance from Robles, the officers who responded to the incident attempted to gain additional time to safely resolve the incident.

Redeployment and/or Containment – Arriving on scene before responding ground units, the air unit updated officers on Robles' location. After being fired upon by Robles, unprovoked, Officers Ybarra and Skotte established containment on Robles. The additional responding officers established containment of Robles who remained inside of the front area of the property still maintaining visible control of his handgun. Officers continuously assessed their deployment and some officers redeployed during the incident. Multiple officers redeployed from a vehicle on the north curb to the south side of 113th Street at the direction of Sergeant Ruiz. Officers Burton and Reyes were the farthest east of Robles and were the only unit to approach the location travelling west on 113th Street thus allowing for containment of Robles from the east, and giving them a distinctive vantage point.

Other Resources – Officers Ybarra and Skotte attempted to utilize the illumination of the night sun by the air unit to locate Robles. Additional units responded to the incident, including personnel from Metropolitan Division, who were assigned to Southeast Area. Additionally, the air unit provided situational awareness from their unique position to the patrol units, with relevant updates as to the actions and the physical position of Robles.

Less-lethal options were considered and deployed by multiple officers during the initial phases of the incident. Officer Rareba initially began to deploy a Beanbag Shotgun during the incident, but due to Robles firing at responding officers, Officer Rareba decided to not deploy the Beanbag Shotgun. Officer Languren initially deployed a 40mm Less-Lethal Launcher (LLL) but placed the 40mm LLL on the ground due to the high level of danger posed by Robles who had fired at officers and who remained armed with a handgun. These less lethal force options remained available to officers, however Robles continued to remain armed with his handgun during the incident, ignored verbal commands to de-escalate, and refused to surrender.

Lines of Communication – Throughout the incident, the officers utilized open lines of communication while faced with challenges including the distance between the officers and Robles, as well the noise emitted from the air unit. Officers coordinated

with the air unit who initially broadcasted its observations of Robles informing the arriving officers of the position of Robles. Officers also communicated with those in their close proximity while establishing containment. Officer Fuchigami attempted to communicate with Robles, ordering him to drop the handgun twice prior to the second OIS. After the second OIS, Officer Burton informed the other officers at scene that Robles was "down" at the location.

While the Chief recognize that Sergeant Ruiz was faced with a limited amount of time to establish control over the incident, the Chief was critical that during the approximate three minutes he was at scene before the second OIS, he did not open lines of communication to establish basic, yet, critical control over personnel, specifically related to reducing the number of those officers deploying lethal force options. Furthermore, Sergeant Ruiz did not declare himself as the Incident Commander or establish roles, such as Designated Cover Officers (DCO), less lethal force options, or a communication officer.

The UOFRB noted, and the Chief concurred, that due to the rapidly unfolding nature of this incident, the initial responding officers had limited time to react to the deadly actions of the suspect. Despite being fired upon as they approached the dimly lit area where Robles was positioned, Officers Ybarra and Skotte acted quickly and contained Robles, preventing him from accessing and endangering the larger community. Additionally, the responding units were required to make decisions that balanced the safety of the community, their own welfare and containment of a dangerous suspect.

During a review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Vehicle Deployment

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officer Ybarra stopped the police vehicle adjacent to the driveway where Robles, who was armed with a handgun, was located.

When arriving at an emergency radio call, the positioning of the police vehicle is critical for providing officers a tactically advantageous position.

In this case, as Officer Ybarra was driving the police vehicle, he used the air unit's night sun to help guide him to the location. This caused Officer Ybarra to perceive that he was being directed to a location further down the street. Numerous vehicles were parked on both sides of the street which afforded the responding officers' cover and limited concealment. During Officer Ybarra's approach, both he and Officer Skotte were receiving updated information from both CD and the air unit. The air

unit had located Robles and were giving updates on his actions and location which was next to his vehicle behind the gate to the property. Once Officer Ybarra observed Robles, he stopped the police vehicle and immediately came under gunfire. According to Officer Skotte, the location was "dark" during the time of the first OIS.

The UOFRB considered that while the air unit's night sun was an aid illuminating the area, the circular movement of the air unit during the orbit over the location also caused shadows and the angle of the night sun to change. Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, Officer Ybarra's vehicle deployment was not a substantial deviation from approved Department tactical training. In an effort to improve future performance, the Chief will direct this to be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Fire Control / Fire Discipline (Substantial Deviation – Officer Burton; Rounds 5-15)

Basic self-defense doctrine dictates that in a combat situation, an officer should shoot as fast as they are able and no faster than combat accuracy can be maintained. If an officer shoots faster than their abilities, there is an increased chance of missing and failing to stop the threat.

Officers should be encouraged to fire at a speed that allows them to utilize proper shooting technique. Officers should never fire their weapons so quickly that they cannot obtain center hits on the target. Every time an officer fires without proper control of the pistol, mistakes will be practiced and shooting skills will diminish (Los Angeles Police Department, Recruit Firearms Manual, October 2009).

The investigation revealed that Robles fired at initial responding officers and subsequently, while still armed with a handgun, pointed it at officers at scene. In response to the deadly threat, Officer Burton fired 13 rounds in approximately six seconds and then paused for approximately two seconds before firing two additional rounds.

Officers who are involved in a rapidly unfolding dynamic incident should continually assess their application of lethal force.

In this case, Officer Burton reasonably believed that he was faced with a deadly force situation. When Officer Burton observed Robles extend his arm out and perceived that Robles fired a round, Officer Burton fired his Police Rifle to address the lethal threat. The Chief considered several factors in evaluating the reasonableness of Officer Burton's use of lethal force. The Chief recognized that the tactical situation was dynamic, and that Officer Burton reasonably believed that Robles presented an imminent threat to him and the officers at scene. The Chief also considered that Officer Burton had an optimal angle to observe Robles' actions,

as he was positioned furthest east with an unobstructed view of Robles, as well as three times magnification optics that provided him an enhanced sight picture of the ongoing threat. The rapid rate with which Officer Burton fired his Patrol Rifle at Robles however, exceeded his ability to reasonably assess whether Robles continued to be a deadly threat.

Based upon the totality of the circumstances, the Chief determined, that during this specific tactical situation, Officer Burton's lack of continued assessment, fire control, and fire discipline, while firing rounds 5-15 from his Patrol Rifle, was not reasonable and was a substantial deviation, without justification, from approved Department tactical training. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Maintaining Control of Equipment** – The investigation revealed that as he exited his police vehicle, Officer Languren's side handle baton fell to the ground and he did not retrieve it before running down the street. Officer Languren is reminded of the importance of maintaining control of his equipment. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Beanbag Shotgun Manipulations** – The investigation revealed that Officer Rareba chambered a round in the beanbag shotgun while he was seated inside his police vehicle and still enroute to the location. The officer is reminded that chambering a round in a moving vehicle may lead to an increased possibility of an unintentional discharge of the shotgun. The Chief directed that this topic be discussed during the Tactical Debrief.
- **Basic Firearms Safety Rules** – The investigation revealed that Officer Gov briefly allowed the muzzle of his service pistol to cover Officer Skotte's back during the incident. Additionally, the investigation revealed that Officer Chung momentarily allowed the muzzle of his service pistol to cover officers in the contact team as they were approaching Robles. Even though this incident was dynamic and fluid in nature, both officers are reminded to remain mindful of the Department's Basic Firearm Safety Rules at all times. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Tactical Communication** – The investigation revealed that Sergeant Ruiz was the first supervisor at scene and did not declare himself as the incident commander. In addition, Sergeant Ruiz assumed that Sergeant Valento would be overseeing the officers along the south curb without communicating a plan with Sergeant Valento to actually do so. Sergeant Ruiz is reminded of the importance of effective communication during a tactical incident to provide critical basic direction, reduce possible confusion and improve operational success. The Chief directed this to be a topic of discussion during the Tactical Debrief.

The investigation revealed that Officers Hugoboom and Chung though not specifically designated to be a part of the contact team, self-deployed as part of the contact team which approached Robles. Officers Hugoboom and Chung did not advise the contact team that they were making the approach as part of the team. The coordination of officers during the approach of a suspect is important. Officers Hugoboom and Chung are reminded of the importance of effective communication during a tactical incident to reduce possible confusion and improve operational success. I will direct this to be a topic of discussion during the Tactical Debrief.

- **Non-Conflicting Simultaneous Commands** – The investigation revealed that several officers gave simultaneous commands to the suspect after the second OIS. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Stepping on Limbs** – The investigation revealed that when Robles was being taken into custody, Officer Burton stepped on Robles' right wrist to control Robles' hand which was still holding the handgun. Officer Burton is reminded that stepping on a suspect's limb can cause an officer to become off balance and may generally reflect unfavorably in the public's perception when doing so. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Exigent Warrantless Searches** ⁹⁸ - The investigation revealed that officers lead by Officer Oviatt and under the supervision of Sergeant Severns entered Robles' residence to search for additional victims and suspects involved in the shooting incident. Based upon the officers' and supervisors' belief that there was possibly an injured victim inside and an exigent circumstance existed, the Chief believed the entry and search was reasonable and met the legal standard of an exception to the search warrant requirement. The Chief noted, however, that entering the house and searching for a suspect, in this circumstance, would not have met the "exigent circumstances" standard. Additionally, the officers and supervisors should always consider attempting to obtain valid consent to enter and search when circumstances and time permit. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure,

⁹⁸ A warrantless entry and search based upon exigent circumstances may be justified where there is an immediate need to protect or preserve life. If there is reason to believe that someone inside a location may be injured or ill, and is in immediate need of help, you may enter the location without a warrant to do whatever is necessary to resolve the emergency and nothing more. *LAPD Legal Affairs Division Legal Bulletin, March 24, 1998, Vol. 22, Issue 1.*

set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

In reviewing this incident, the UOFRB acknowledged the rapidly unfolding and complexity of the incident. While the UOFRB did note multiple positive steps taken by individuals at scene, they were critical of the overall lack of assertive and proactive supervision, which could have reduced the number of shooters at scene.

Upon arrival, Officer Medina took proactive steps to assert command and control when he conducted an assessment and recommended to Sergeant Ruiz that he redeploy officers who were positioned in close proximity to Robles. Additionally, Officer Rivera attempted to verify if there was a DCO in order to establish command and control of the scene. After the second OIS, Officer Rivera designated individual roles and assisted in coordinating the movements of the contact team to take Robles into custody.

Officer Oviatt led the Metropolitan Division personnel who conducted the warrantless search of Robles' property for additional victims or suspects. Officer Oviatt

designated individual roles and coordinated the movements of the Metropolitan Division officers conducting the search.

The actions of Officers Rivera, Medina and Oviatt were consistent with Department training and met the Chief's expectations of senior officers at scene during a critical incident.

The UOFRB noted that all sergeants maintained their role as a supervisor and did not attempt to involve themselves directly in the application of force. It was noted that the sergeants maintained a supervisory role providing varied levels of direction to their subordinates instead of taking direct action themselves, thereby exercising some level of command and control. While this is within Department expectations, there were degrees of supervisory engagement, based on assignment and the traditional role of a supervisor, which was of concern to the UOFRB.

Sergeant Valento responded to the help call and immediately assumed the responsibilities of an IC after the second OIS. Sergeant Valento requested LAFD to stage a Rescue Ambulance (RA) in preparation to render medical aid. Additionally, Sergeant Valento coordinated a contact team to take Robles into custody while providing updates to other officers at scene via his handheld radio. Sergeant Valento separated and monitored percipient witnesses at scene.

Sergeant Castellanos arrived at scene, retrieved a ballistic shield from his police vehicle, and moved towards the location of the officers involved. Additionally, Sergeant Castellanos directed officers in his path to don their ballistic helmets prior to approaching the scene.

Sergeant Salazar arrived at scene and was briefed by Sergeant Cohen. Sergeant Salazar took possession of the two shotguns used by Officers R. Garcia and Hugoboom as well as the Patrol Rifle used by Officer Burton at scene. Sergeant Salazar obtained a PSS from Officers R. Garcia, Hugoboom and Burton. Sergeant Salazar separated and monitored Officers R. Garcia, Hugoboom and Burton at scene.

Sergeant Severns arrived at scene and provided supervisory oversight for the Metropolitan Division officers who conducted a warrantless search of Robles' property. Sergeant Severns identified, separated and monitored members of his Metropolitan Division squad who were involved or witnessed the OIS. Sergeant Severns took custody of Officers McPheeters, Lopez, Medina, and Rivera's BWV cameras and secured them. Sergeant Severns advised Officers McPheeters, Lopez, Medina, and Rivera not to discuss the incident and directed them back to his police vehicle. Due to a lack of supervisory personnel at scene, Sergeant Severns opted to monitor Officers McPheeters, Lopez, Medina, and Rivera. Sergeant Severns took custody of Officer McPheeters' Patrol Rifle and secured it in his police vehicle. Sergeant Severns obtained a PSS from Officer McPheeters.

Detective Chin arrived at the location in response to a request for a ballistic shield broadcast by Sergeant Valento. Detective Chin separated and monitored Officers Fuchigami and Espinoza at scene.

Sergeant Sparkman responded and took over separation and monitoring of Officer Burton.

Sergeant Pickett assisted with monitoring of the percipient witnesses including Sergeants Ruiz and Valento at scene.

The UOFRB considered that Sergeant Valento arrived at Officers Ybarra and Skotte's police vehicle approximately six seconds prior to the second OIS and had minimal time to assess and begin to exercise command and control over the incident. However, the UOFRB noted that after the second OIS, Sergeant Valento took control and designated a contact team to approach Robles and take him into custody. Sergeant Valento also ensured that the approaching contact team had adequate cover in the form of a ballistic shield and that there would not be crossfire issues by communicating the tactical plan to everyone concerned via his handheld radio.

The actions of Sergeants Valento, Castellanos, Salazar, Severns, Sparkman, Pickett, and Detective Chin were overall consistent with Department supervisory training and met the Chief's expectations of field supervisors during a critical and quickly unfolding incident.

Sergeant Cohen arrived at the location and directed multiple officers to don their ballistic helmets. After the second OIS, Sergeant Cohen spoke with Sergeant Ruiz to determine what supervisory assistance she could provide. Assessing that there were ample police resources in the immediate area of the OIS, Sergeant Cohen ensured that additional resources remained behind cover. Additionally, Sergeant Cohen obtained PSS from Officers Ybarra, Espinoza, Skotte, Guereca, and Fuchigami and took custody of their BWV cameras. Sergeant Cohen separated and monitored Officers Ybarra, Skotte, and Guereca at scene. Sergeant Cohen transported Officers Ybarra, Skotte, and Guereca to Southeast Community Police Station.

The UOFRB recognized that Sergeant Cohen attempted to have personnel don their ballistic helmets and ensure that once sufficient resources were at scene, the additional resources remained out of the immediate area. The UOFRB also noted that Sergeants Cohen and Salazar worked to separate and monitor involved officers at a chaotic scene with multiple officers involved. The UOFRB noted that while Sergeant Cohen did not properly separate and monitor Officers Ybarra and Skotte following the OIS, her actions supervisory actions during the tactical incident met the expectations of a field supervisor during a critical incident.

In conducting an objective assessment of Sergeant Cohen's performance, the UOFRB determined, and the Chief concurred that Sergeant Cohen did not adhere to critical procedures following a CUOF and directed Officers Ybarra and Skotte to speak with each other after the OIS, prior to obtaining a PSS. Therefore, Sergeant Cohen did not meet the Chief's expectations of field supervisors during a critical incident.⁹⁹

Sergeant Ruiz arrived at the location in response to the radio call and was the first supervisor at scene. Sergeant Ruiz approached Officers Ybarra and Skotte's police vehicle and attempted to gain situational awareness by speaking with Officer Skotte. Sergeant Ruiz did not declare himself as the Incident Commander (IC). Sergeant Ruiz continued to assess the deployed resources, walking back and forth between the group of officers at Officer Ybarra and Skotte's police vehicle, and the group of officers taking cover at the vehicles parked along the south curb of the street. On the advisement of Officer Medina, Sergeant Ruiz directed officers taking cover south of a vehicle, which was parked along the north curb of the street, to redeploy. After the second OIS, Sergeant Ruiz separated and monitored percipient witnesses at scene.

The UOFRB was critical of Sergeant Ruiz' lack command and control over the scene, resulting in numerous officers deployed along the containment line and seven officers firing their weapons during the second OIS. The UOFRB recognized the rapidly unfolding nature of the incident but determined that Sergeant Ruiz' did not exert supervisory control over the incident which led to multiple officers in a position to deploy lethal force when Robles pointed his weapon. The UOFRB was critical of the lack of communication between Sergeant Ruiz and the officers who were deployed at the incident, as well as the minimal effort made to communicate with Robles given the number of resources at the IC's disposal. Sergeant Ruiz spent a crucial amount of his time attempting to manipulate his handheld radio and establish communications with the air unit. The UOFRB noted that multiple officers made statements that they were unaware or did not believe that a supervisor was present during the incident. The UOFRB noted that while some officers assumed Sergeant Ruiz was the IC, there was uncertainty about who was in charge and that many of the officers were unaware that there was a supervisor at scene taking control. The UOFRB did note that Sergeant Ruiz's actions after the second OIS to secure the crime scene were effective.

As a result, the UOFRB determined, and the Chief concurred, the lack of supervisory oversight exercised by Sergeant Ruiz immediately prior to the second OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

⁹⁹ This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through a Department-initiated personnel complaint, CF No. 19-001738.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred that Sergeant Ruiz' actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

Additionally, in conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeants Cohen and Valento, along with Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief will direct that Sergeants Cohen, Ruiz, and Valento, along with Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On May 16, 2019, Sergeants Ruiz and Valento along with Officers Skotte, R. Garcia, Guereca, Espinoza, Fuchigami, Hugoboom, and Burton attended a GTU. On May 23, 2019, Officer Ybarra attended a GTU. On September 17, 2019, Officer McPheeters attended a GTU. All mandatory topics were covered for Sergeants Ruiz and Valento, along with Officers Skotte, R. Garcia, Guereca, Espinoza, Fuchigami, Hugoboom, Burton, Ybarra and McPheeters including Use of Deadly Force. In addition, Body Worn Video (BWV) Policy was covered for Officer Ybarra.

Additionally, Officer Burton completed Patrol Rifle Recertification on June 13, 2019 and attended the Law Enforcement Tactical Application Course (LETAC) on September 17, 2019.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

According to Officer Ybarra, as he stopped his police vehicle, Robles looked in their direction, yelled something, raised his right hand and began shooting at them. Officer Ybarra was simultaneously attempting to put their police vehicle in park and exit his police vehicle when they started receiving rounds. Unable to place the vehicle in park, Officer Ybarra remained in the police vehicle and drew his service pistol.

Officer Ybarra recalled, *I was about to exit the vehicle and simultaneously put it in park is when we started receiving rounds. Knowing that the car wasn't in park I decided to sit back in the car and arm -- arm myself with my pistol and began returning fire. I unholstered my weapon because I had a [sic] armed suspect shooting at me so I believed that deadly force would be justified in stopping that threat.*¹⁰⁰

According to Officer Skotte, Robles was standing behind a vehicle in the driveway, watching them and as the police vehicle came to a stop, Robles raised a gun and start firing at them. Officer Skotte exited the police vehicle and drew his service pistol.

Officer Skotte recalled, *I saw the suspect standing behind the vehicle in the driveway and he was standing, facing our direction, watching us. And then, as I was stepping out of the vehicle, that's when I saw him raise something, which was the gun, and start firing at us. I was kind of shocked and surprised...But my training kicked in. So I unholstered my weapon and returned fire.*¹⁰¹

According to Officer Gov, as they arrived at the location and parked the police vehicle, Officer Gov heard approximately three to four shots. Officer Gov exited his police vehicle, drew his service pistol and attempted to locate Robles while taking cover behind Officer Skotte.

¹⁰⁰ Ybarra, First Interview, Page 7, Lines 24-25, Page 8, Lines 1-3, and Page 29, Lines 10-12.

¹⁰¹ Skotte, Second Interview, Page 18, Lines 13-24.

Officer Gov recalled, *Once we got to the location of where possible suspect was I parked. I immediately hear approximately three to four shots. I get out of the car. I activate my DICV. I unholstered. I try to get an eye onto where the suspect was.*¹⁰²

According to Officer Fuchigami, as he and Officer Gov arrived at the location, Officer Gov stated, "They're shooting. They're shooting." Officer Fuchigami heard at least one gunshot as he exited the police vehicle. Officer Fuchigami drew his service pistol and pointed it in the general direction of the house where he believed Robles to be located before taking cover.

Officer Fuchigami recalled, *And I heard my partner say, "Oh, shoot. Oh, shit. They're shooting. They're shooting." So I got out of the car. I unholster, pointing the gun at the general direction to the house and assessed, and I couldn't see the suspect.*¹⁰³

According to Officer Sweet, as his partner, Officer Espinoza, negotiated a turn onto 113th Street, Officer Sweet could hear shots being fired. Officer Sweet directed Officer Espinoza to stop the police vehicle, at which time, Officer Sweet exited and located Officer Ybarra. Believing he was going to confront an active shooter, Officer Sweet drew his service pistol as he approached and made contact with Officer Ybarra to confirm Officer Ybarra was okay.

Officer Sweet recalled, *As we're actually turning onto 113th, as we're making that turn, we actually head I'd say probably 8 to 10 shots fired...I see Ybarra standing there behind his black-and-white. At -- at that point, I unholster. I believe we have an active shooter going on. It's going to escalate to deadly force. It already has. So for my safety and those of my partners and those around us -- I unholstered.*¹⁰⁴

According to Officer Sweet, after the second OIS, he holstered his service pistol and deployed a shotgun from Officer Ybarra's police vehicle. Officer Sweet deployed the shotgun because he did not feel that his service pistol was the best weapon system after the second OIS.

Officer Sweet recalled, *... there's a second volley of gunfire. We get hit with the debris from that. At that point, I holster up my primary weapon, my -- my pistol, and I retrieve Ybarra's shotgun from his shop. I deploy that... my pistol is not the best weapon system to have.*¹⁰⁵

According to Officer Espinoza, after the airship broadcast that shots were fired and an officer needs help, he exited his police vehicle, drew his service pistol and ran towards Officer Ybarra. Officer Espinoza could smell gun smoke as he approached

¹⁰² Gov, Page 8, Lines 16-21.

¹⁰³ Fuchigami, Page 8 Lines 7-12.

¹⁰⁴ Sweet, Page 15, Lines 14-16, Page 16, Lines 23-24 and Page 17, Lines 8-13.

¹⁰⁵ *Id.*, Page 11, Lines 6-11 and Page 26, Lines 9-10.

Officer Ybarra who told him to get back at which point, Officer Espinoza did his best to take cover behind an engine block of a parked car.

Officer Espinoza recalled, *When I got out and ran to the help call, due to the airship broadcasting shots fired, officer needs help -- the radio call is a man with a gun. As I got out of the car and ran towards Officer Ibarra [sic], I drew and exhibited my firearm...Based on the tactical situation, I had a reasonable belief that the situation would escalate to deadly force.*¹⁰⁶

According to Officer Guereca, he parked his police vehicle, exited and drew his service pistol. Officer Guereca approached the officers, who were positioned behind a vehicle parked along the north curb of 113th Street. Officer Guereca drew his service pistol since it was a tactical situation where deadly force would be justified.

Officer Guereca recalled, *Just before we got to 113th Street that's when I heard officer needs help, shots fired. So as we deployed from the car I -- I unholstered ... my duty weapon just because of ... the comments of the call, the whatever was broadcasted and just because of fact that ... I went back to my training. It was a tactical situation where deadly force will be justified.*¹⁰⁷

According to Officer R. Garcia, as they were approaching, he heard the airship broadcast a help call for shots fired. Officer Garcia exited his police vehicle and retrieved his Benelli M4 shotgun from the trunk of his police vehicle because he wasn't sure if a shotgun or a rifle was deployed. Officer R. Garcia approached the passenger side of Officers Ybarra and Skotte's police vehicle.

Officer R. Garcia recalled, *As we were approaching the target location, the airship requested a help call for shots fired. When we got there, I was the passenger. I exited the vehicle and I wasn't sure if a shotgun or a rifle was deployed already, so I took it upon myself to go to my trunk and deploy my shotgun, which is a private purchase Benelli M4. I racked one buck shot round into the chamber, and I ran towards where the target location was.*¹⁰⁸

According to Officer Marin, he exited his police vehicle before he approached the passenger side of Officers Ybarra and Skotte's police vehicle. Due to the nature of the radio call and that he felt the situation may escalate to the point where deadly force may be used, Officer Marin drew his service pistol.

Officer Marin recalled, *I did initially draw out my firearm once I approached the primary vehicle, simply because the situation and the nature of the -- of the radio*

¹⁰⁶ Espinoza, Page 9, Lines 19-24 and Page 43, Lines 18-20.

¹⁰⁷ Guereca, Page 6, Lines 3-6 and Lines 12-17.

¹⁰⁸ R. Garcia, Second Interview, Page 7, Lines 13-21.

*call. It was a hot call so I -- I proceeded to (UNINTELLIGIBLE) the situation may escalate to the point where deadly force may be used at some point.*¹⁰⁹

According to Officer Hugoboom, he exited his police vehicle, deployed his Remington 870 shotgun and approached the passenger side of Officers Ybarra and Skotte's police vehicle. Officer Hugoboom exhibited his shotgun because Robles was armed with a handgun and the broadcasted help call.

*Officer Hugoboom recalled, Briefly after the primary unit arrived and that's when I heard the help call come out over the frequency ... Once we arrived, I removed my shotgun from the shotgun rack inside the patrol vehicle and ran to the scene on 113th east of Wilmington.*¹¹⁰

According to Officer McPheeters, as he and Officer Lopez responded to the help call, he knew that they were going to deploy their Patrol Rifles when he heard that Robles was trying to hide behind his vehicle and take a position of advantage. When they exited their police vehicle, Officer McPheeters retrieved his Patrol Rifle because Robles had already shot at officers and he knew the rifle round could penetrate through metal on the vehicle. Officer McPheeters observed an officer armed with a service pistol and asked him to relinquish position at which time, took a position of advantage on Robles, using the engine block of a vehicle as cover.

*Officer McPheeters recalled, Knowing that -- listening to the airship that he was trying to hide behind his vehicle trying to take a position of advantage, knowing the capabilities of my rifle and the rifle round what it can do. There's been numerous training days in Metro where we've had -- we've had to shoot at vehicles. Knowing that the rounds can penetrate metal. It can penetrate through doors. It can penetrate through metal on the vehicle. That that rifle would definitely need to be deployed knowing that this suspect has already shot at officers at scene.*¹¹¹

According to Officer Lopez, when he arrived, he deployed his patrol rifle because of the nature of this call, the fact that shots had already been fired and he wanted to deploy a weapon system superior to what Robles may have had.

*Officer Lopez recalled, Because of the nature of this call and the fact that there was already shots fired, obviously, there's already a suspect that's willing to, you know, quote, unquote, "Shoot it out with the police," we are going to deploy a weapon system that's superior to what he or she might have.*¹¹²

¹⁰⁹ Marin, Page 13, Lines 17-22.

¹¹⁰ Hugoboom, Page 6, Lines 13-19.

¹¹¹ McPheeters, Page 24, Lines 21-25 and Page 25, Lines 1-5.

¹¹² Lopez, Page 16, Lines 8-13.

According to Officer Burton, as he exited his police vehicle, he retrieved his Patrol Rifle from the trunk before he ran west, taking a position of cover behind a vehicle parked along the south curb of 113th Street. Officer Burton deployed his Patrol Rifle because Robles had already fired at officers and Officer Burton wanted to be out of the line of fire where he could safely return fire from a distance.

Officer Burton recalled, *Suspect already fired at officers and we're going to be at a position. I was -- officers, we were going to be at a far position or away or ... far enough away where ... we wanted to be out of the line of fire where we could safely return fire -- from a distance.*¹¹³

According to Officer Reyes, he exited his police vehicle and followed Officer Burton. Officer Reyes positioned himself to the east of Officer Burton and drew his service pistol. Officer Reyes drew his service pistol because the tactical situation could lead to deadly force based on the help call and that there were shots fired already at the officers.

Officer Reyes recalled, *So the reason why I unholstered was because I had substantial risk that the tactical situation -- situation could lead to deadly force -- to use deadly force. The airship put out a help call. There was shots fired already at the officers. So I knew that this could lead to the use of deadly force.*¹¹⁴

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet and Ybarra's Drawing/Exhibiting. The UOFRB noted that Robles' actions presented a potential deadly threat to the community and responding officers.

The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to use lethal force. The UOFRB considered that Officers Ybarra and Skotte responded to a radio call that indicated Robles was armed with a handgun and upon their arrival, they immediately came under gunfire. Additionally, the officers who responded to the help call heard shots being fired or were made aware that Robles was still armed with a handgun.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet and Ybarra, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

¹¹³ Burton, Page 13, Line 25 and Page 14, Lines 1-7.

¹¹⁴ Reyes, Page 11, Line 25 and Page 12, Lines 1-6.

Therefore, the Chief found Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet and Ybarra's Drawing/Exhibiting to be In-Policy, No Further Action.

Note: In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*

- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

FIRST OIS

Officer Ybarra – .45 caliber, five rounds, in a northeasterly direction from an approximate distance of 40 feet.

According to Officer Ybarra, Robles produced a handgun, held it shoulder length and fired. Officer Ybarra saw muzzle flash and debris in front of him and believed rounds were hitting his police vehicle. Officer Ybarra, in fear for his safety, returned fire, firing five rounds. Officer Ybarra continuously assessed after each round, and saw the suspect was upright and that his hand was up. Officer Ybarra determined Robles was no longer a threat when he lost sight of him, so he stopped firing and exited his police vehicle.

Officer Ybarra recalled, *Once I saw him I stopped the vehicle. He ... was facing in a [sic] eastern direction ... in front of his -- in front of that residence. He looked in our direction. It looked like he yelled something, raised his right hand and began shooting. I was about to exit the vehicle and simultaneously put it in park is when we started receiving rounds. Knowing that the car wasn't in park I decided to sit back in the car and ... arm myself with my pistol and began returning fire.*¹¹⁵

*Shoulder-- shoulder length, saw a muzzle flash. I saw debris. Like -- like there was an impact ... It was -- it was coming -- the debris was coming in front of me. The car's getting hit and fear for my safety so I returned fire. I believe Officer Skotte and I could have been seriously injured or possibly killed.*¹¹⁶

¹¹⁵ Ybarra, First Interview, Page 7, Lines 19-25 and Page 8, Lines 1-3.

¹¹⁶ Officer Ybarra, First Interview, Page 19, Lines 24-25, Page 28, Lines 17-25, and Page 34, Lines 4-5.

*I was firing it at the threat. I believed the next four I did which each round I can still see that the suspect was upright and his hand was up and once he went down, once I lost sight of him out of my view is when I stopped and I tried to get out.*¹¹⁷

Officer Skotte – 9mm, five rounds, in a northeasterly direction from an approximate distance of 44 feet.

According to Officer Skotte, as he stepped out of the police vehicle, Robles was shooting at them. Officer Skotte believed he could be killed and fired four rounds from his service pistol at Robles to stop the threat. Officer Skotte conducted assessments as he was firing and stopped firing when Robles was no longer visible.

*Officer Skotte recalled, So I saw the suspect standing behind the vehicle in the driveway and he was standing, facing our direction, watching us. And then as I was stepping out of the vehicle, that's when I saw him raise something, which was the gun, and start firing at us ... So I unholstered my weapon and returned fire.*¹¹⁸

*I was thinking I could get killed right there ... I was firing to stop the threat. The threat was the suspect shooting at us ... Well, if he shot us, he could have -- or shot me, he could have killed me or injured me. And I didn't want that to happen.*¹¹⁹

*I think I fired about four ... There were no pauses in between the shots ... I stopped firing, because the suspect was no longer visible to me.*¹²⁰

SECOND OIS

Officer Fuchigami – 9mm, three rounds, in a northerly direction from an approximate distance of 58 feet.

According to Officer Fuchigami, he believed that Robles was looking at him. Robles raised the handgun and pointed the muzzle towards Officer Fuchigami and his fellow officers. Believing Robles was about to shoot him or one of the officers, Officer Fuchigami fired two rounds from his service pistol at Robles to stop the threat. Officer Fuchigami conducted assessments as he was firing and stopped firing when he observed that Robles was not moving and bleeding.

Officer Fuchigami recalled, I thought he was looking at me. And he raised his gun up and muzzle up. I saw the muzzle up towards -- towards me or my fellow officers.

¹¹⁷ Ybarra, First Interview, Page 22, Lines 6-10.

¹¹⁸ Skotte, Second Interview, Page 18, Lines 13-18 and 23-24.

¹¹⁹ *Id.*, Page 30, Lines 19-20, 24-25 and Page 31, Lines 2-3 and 6-8.

¹²⁰ *Id.*, Page 22, Lines 20-21; Page 23, Lines 4-5 and Page 24, Lines 9-10.

*And that's when I took a shot ... Then after the shooting, I saw the suspect facing down, not moving, bleeding.*¹²¹

*I was pointing -- there's not much area that I can aim at, because there's a face and there's a thin line of his shoulder and hands. So the biggest target I can aim was his head. So I aim direction -- general direction to the suspect, because I wasn't sure I was going to shoot yet. But as soon as he bring up his muzzle up towards our direction, I pointed and aimed at this head and shot two -- I believe it was two shots.*¹²²

*Because I was believing that he was about to shoot me or one of the officers. So I tried to defend myself or others.*¹²³

*I took -- not too long, but I took pauses to assess the situation. So I believe I took one shot. It was quick. Took a second shot, but I did assess the suspect.*¹²⁴

Officer Espinoza – 9mm, nine rounds, in a northerly direction from an approximate distance of 59 feet.

Round One

According to Officer Espinoza, he observed Robles holding a handgun while, in a tactical position on his stomach trying to conceal himself. Knowing that Robles had engaged officers and tried to kill them, Officer Espinoza believed that Robles was assessing and looking for a target. Officer Espinoza observed Robles point the handgun in his direction. Believing that Robles was going to take a shot at him, Officer Espinoza fired one round from his service pistol at Robles to stop the threat.

*Officer Espinoza recalled, Now I see him with a gun. I see him take a tactical position as far as concealing himself and trying to make himself the smallest target possible.*¹²⁵

But as he's looking and assessing, he grabs the bottle, takes a swig, and then shortly after he -- he points that gun again in my direction. Due to his position of advantage, how he was laid out, the cars that he was using for cover, the only shot

¹²¹ Fuchigami, Page 10, Lines 1-4 and 6-7.

¹²² *Id.*, Page 21, Lines 16-24.

¹²³ *Id.*, Page 22, Lines 6-8.

¹²⁴ *Id.*, Page 24, Lines 19-23.

¹²⁵ Espinoza, Page 11, Lines 12-14.

*that I had at that time was a head shot. The only target I had was a head shot, and I took a shot.*¹²⁶

*Once he presented that gun and pointed it in my direction, I felt as though this guy was going to take a shot at me, so that's why I took that first shot.*¹²⁷

Rounds Two through Nine

According to Officer Espinoza, after firing his first round, he heard numerous gunshots and believed that he was being engaged by Robles. Officer Espinoza fired additional rounds from his service pistol at Robles. Officer Espinoza conducted an assessment and observed Robles still facing towards them with his handgun raised up in their direction. Officer Espinoza continued to fire additional rounds from his service pistol at Robles until he observed Robles' face was slumped down.

*Officer Espinoza recalled, Right after there was numerous gunshots heard. Whether they were officers or him engaging us, I believed that we were being engaged. I fired additional shots. I assessed. He's still facing towards us. He still has the gun raised up in our direction, and I continued firing. I believe approximately five shots, and I was assessing between each shot. He was staying in the position that he was in with a gun in his hand towards my direction.*¹²⁸

Officer Guereca – 9mm, four rounds, in a northerly direction from an approximate distance of 57 feet.

Round One

According to Officer Guereca, he observed Robles laying on the floor holding a handgun with his right hand extended out. Officer Guereca observed Robles moving the handgun and looking at him. Robles twisted his hand in an upward position as he lifted the handgun and pointed it at Officer Guereca. In fear that Robles was going to shoot his head off Officer Guereca squeezed up against the car to take cover and fired one round from his service pistol at Robles to stop the threat.

Officer Guereca recalled, I leaned on the car and I observed the suspect laying on the floor prone out. His face was -- he was facing southbound and I could see him prone out holding his -- his pistol with his right hand extended out. At that point, I -- I had him on -- on sight. I had him ready because I knew that he already shot at my partners. I could see him moving -- moving the gun. He kept on looking up when I had him on sight. He was looking at me. At ... that point, I was like, ... he's going to shoot at me. Waited a couple of seconds until he -- he adjusted his hand ... And I

¹²⁶ *Id.*, Page 13, Lines 3-10.

¹²⁷ *Id.*, Page 38, Lines 18-21.

¹²⁸ *Id.*, Page 13, Lines 11-16, and Page 22, Lines 12-13 and Lines 17-19.

didn't want to wait any longer before he shot another at my partner or killed -- killed me. I almost felt like he was going to shoot my head off. As soon as he lifted the gun toward my direction because I could see ... the point of his gun pointing at us I -- I shot and then I squeezed the car a little bit to basically take cover behind the car. At that point, ...when I squeezed into the car I saw a muzzle flash coming from his direction so I shot again. After that I stepped back a little bit to make sure that, you know, the threat was no longer a threat. The suspect was -- was facing down.¹²⁹

At the -- at the moment that he -- the -- the suspect was basically staring at us. He had the gun on his hand the whole time; however, he -- he had like at a -- at a slant position kind of sideways. So, my decision to fire was when I --when I felt that he was actually going to shoot at us again. He -- he basically twisted his hand in an upward position and that's when I shot my first -- my first round.¹³⁰

Rounds Two through Four

According to Officer Guereca, he conducted an assessment after firing the first round and observed a muzzle flash coming from Robles' direction. Officer Guereca fired his service pistol at Robles to stop the threat before conducting an assessment. Officer Guereca did not see much movement from Robles, who was facing down not moving and believed he was no longer a threat.

Officer Guereca recalled, I seen him -- the second time I shot I -- I thought I saw muzzle flash coming from his direction so that's why I -- I shot a second time. After I fired my second round I didn't see much. I saw him after a few seconds I saw him facing down not moving.¹³¹

Officer R. Garcia – Benelli M4 Shotgun, one slug round, in a northerly direction from an approximate distance of 57 feet.

According to Officer R. Garcia, he Select Slug rollout, exchanging the buck shot round for a slug round. Officer R. Garcia observed Robles point a silver gun in his direction. Believing that Robles was going to kill him, Officer R. Garcia fired one slug round from his shotgun at Robles to stop the threat. Officer R. Garcia conducted an assessment after firing the first round and felt there was no need to fire a second round.

Officer R. Garcia recalled, Before ... the OIS occurred, I conducted a selective slug roll out. And I ejected the buck shot round, and I inserted a slug round. And the reason I inserted the slug round was because I felt that ... there was a lot of barriers between me and the suspect. There was a rod iron fence, and he was also ...using

¹²⁹ Guereca, Page 7, Lines 3-25 and Page 8, Line 1-2.

¹³⁰ *Id.*, Page 23, Lines 17-24.

¹³¹ *Id.*, Page 30, Lines 10-12 and Page 32, Lines 6-8.

the vehicle door ... using it to hide. So I felt that a slug round would have been more effective if he would have presented himself and started shooting at officers. As ... I was behind cover, I then observed the suspect point a silver gun in my direction. I felt that he was going to kill me, and I fired one round in his direction. After firing the one round, I assessed. I felt there was no need to fire a second round, and I rendered my gun -- I placed the weapon on safe.¹³²

Officer Hugoboom – Remington Model 870 Shotgun, one buckshot round, in a northerly direction from an approximate distance of 57 feet.

According to Officer Hugoboom, he observed Robles with a silver semi-automatic pistol in his right hand. Robles pointed the handgun in Officer Hugoboom's direction and he heard shots. Believing that Robles was firing at him, Officer Hugoboom, in fear for his life, fired one buck shot round from his shotgun at Robles to stop the threat. After firing the first round, Officer Hugoboom took cover to chamber the next round. When Officer Hugoboom stood back up and conducted an assessment, he observed that Robles appeared to be hit.

Officer Hugoboom recalled, And I was in fear for my life. I was thinking I could get shot. I could get killed. This could be it. And all of that was running through my head as I was trying to, you know, of course stay present and keep my sights aligned on the suspect. I believe I said for someone to get on the PA and give commands. Shortly right after that I saw the suspect with a gun in his right hand, silver semi-auto -- silver semi-automatic pistol. It was pointed in my direction. As it was moved in my direction with his hand -- his right hand holding the gun, I heard shots. I believed I was being fired upon. I shot one round at the suspect to stop the threat. And after that one shot, I -- being that I was using a shotgun, I had to rack a second round. At which time I briefly ducked for cover to chamber the next round. Stood back up on target. The suspect appeared to be hit. I saw blood coming from the suspect's body, from his head, and from his arms.¹³³

Officer McPheeters – 5.56 caliber, Patrol Rifle, four rounds, in a northeasterly direction from an approximate distance of 48 feet.

According to Officer McPheeters, he was continuously watching Robles' actions and heard a shot. Knowing that Robles had already shot at officers and believing that Robles was trying to kill one of the officers or himself, Officer McPheeters fired two rounds from his Patrol Rifle at Robles to stop the threat. After firing the first two rounds, Officer McPheeters conducted an assessment and observed *movement* from Robles. Believing that Robles was *trying to acquire a position of advantage to reposition and fire at the officers*, Officer McPheeters fired two more rounds from his patrol rifle at Robles to stop the threat. Officer McPheeters assessed and stopped firing when he *felt* that Robles was *no longer a threat*.

¹³² R. Garcia, Second Interview, Page 10, Lines 11-22 and Page 8, Lines 14-20.

¹³³ Hugoboom, Page 7, Lines 15-25 and Page 8, Lines 1-9

Officer McPheeters recalled, *As I was continuously watching his actions I heard a shot and at that point I fired four rounds at the suspect and alongside -- along with other officers who started firing. The reason I shot is because it was knowing that this -- this suspect has shot at the officers and knowing that he had a gun, knowing that he failed to drop the gun and had several chances to drop the gun. Believing in my mind that he was trying to kill one of the officers to my right and myself I fired four rounds.*¹³⁴

*Two rounds in a split second I assessed and then fired two more rounds and I stopped firing. So, the second rounds I believe he was still trying to acquire a position of advantage. I just slightly saw a movement and at that point in time I believed in my mind that he was trying to reposition to fire at the officers.*¹³⁵

Officer Burton – 5.56 caliber, Patrol Rifle, 15 rounds, in a northwesterly direction from an approximate distance of 71 feet.

Rounds One through Thirteen

According to Officer Burton, he observed Robles in a prone position, underneath a vehicle in the driveway, low crawling, while holding a handgun in his right hand. Robles looked like he was trying to find a target or officers to shoot when Officer Burton observed Robles extend his arm out and fire a round at officers. Officer Burton fired between 10 to 15 rounds from his Patrol Rifle at Robles to stop the threat. Officer Burton paused and continuously looked through his sights while conducting an assessment.

Officer Burton recalled, *I was across the street from the target location I could -- I observed the suspect. He was in a prone position underneath a vehicle in the driveway with a handgun in his hand -- in his right hand. He was low crawling around the car. It looked -- it looked like he was trying to find a target or officers to shoot. He was -- he -- he was looking around a lot mostly towards -- most of the cars were -- were going to be west of him I was the only officer -- me and my partner were the only officers east of him. He was looking their direction looking for a target. At that point, I advised my partner where the suspect was and what he had in his hand and at that point the suspect -- I observed the suspect. He extended his arm out and fired a round at -- at officers. At that point I returned fire with my rifle and I fired between 10 to 15 rounds at the suspect. I couldn't tell if he was being hit because we were shooting in between the fence and the suspect already at a prone position so it's different when the suspect is standing. You could tell when he's hit and drops but I couldn't tell. I could just see his arm extended and shots still being fired so I believe at the time he was still shooting at us. I continued to fire until I could -- until he was no longer a threat; when I saw blood come from the suspect, his upper body area. The increments of which I was shooting were between five and*

¹³⁴ McPheeters, Page 9, Lines 18-25 and Page 10, Lines 1-2.

¹³⁵ *Id.*, Page 31, Lines 4-6 and Lines 11-15

*five. I'll shoot one, two, three, four, five; one, two, three, four, five to make sure I had hits on the suspect because I know some of the rounds were probably going to hit that fence and not in fact the suspect.*¹³⁶

*Well, his gun is still in his hand extended out at us the entire way. So that's like -- I continued to fire until I believe he was no longer a threat. I was checking to see if -- if he was down or not. I was trying while as I was looking through the sights. I assessed through my sights so I then never came off my sights.*¹³⁷

Rounds Fourteen and Fifteen

According to Officer Burton, he paused and continuously looked through his sights conducting an assessment. Officer Burton still heard shots and observed Robles with his head to the side, attempting to acquire another target. Officer Burton fired two additional rounds at Robles to stop the threat. Officer Burton conducted an assessment and observed that Robles was no longer moving.

*Officer Burton recalled, I'm not sure how long the pause was but I just looked through. It was probably less than a second looking through the sights but I could still hear shots and his arm extended. And I -- I stopped firing once I saw that there was blood coming out of his upper body area -- and he was no longer moving.*¹³⁸

*The last two his head is down to the side and it looked like he was -- when -- it looked like he was getting another target but because his head was down like this [referring to Robles resting his right cheek along his right shoulder, bicep area] with the arm out. So, it kind of looked like his -- like he had one eye closed and was still looking for a target. I fired two more and like -- and I -- I held on and I could see that he was -- he wasn't moving anymore.*¹³⁹

In this case, the UOFRB conducted a thorough review of the investigation. During their review, they took into consideration that Robles was an armed suspect who began the encounter with the first two responding police officers by attempting to murder them. Robles fired his handgun at Officers Ybarra and Skotte as they approached the location, striking their police vehicle.

Additionally, Robles subsequently took a position of advantage by concealing himself behind the open driver's door of his vehicle in a prone position while still holding a handgun. The incident rapidly escalated due to Robles' actions. The UOFRB considered the minimal amount of time the officers had to make decisions, the training and experience possessed by the officers and the imminent threat posed

¹³⁶ Burton, Page 7, Lines 16-25 and Page 8, Lines 1-22.

¹³⁷ *Id.*, Page 28, Lines 24-25 and Page, 29, Line 1, Page 25, Lines 21-23 and Page 29, Lines 10-11.

¹³⁸ *Id.*, Page 29, Lines 18- 25.

¹³⁹ *Id.*, Page 30, Lines 14-20.

by Robles to the officers and the community. The UOFRB noted the lighting at scene and the position of Robles, along with the officers' position, in their evaluation.

The UOFRB noted that each officer articulated their perception of an immediate threat, when Robles, armed with a handgun, pointed it in the direction of the officers. Each of the officers specifically articulated their reasons for the use of lethal force which was to defend themselves and the other officers at scene. The UOFRB also deliberated at great length and considered that each of the officers conducted assessments of the rounds fired and their effectiveness.

The UOFRB took into consideration that Officer McPheeters' vantage point allowed him to be in a position to see Robles' handgun and that it was reasonable for Officer McPheeters to perceive that it was being pointed at the officers on the south curb. Officer McPheeters' Patrol Rifle had a magnified optic sight mounted on it, allowing him to have a magnified view of the incident. Additionally, Officer McPheeters' articulation was reasonable given the circumstances as he perceived them and based on information from the subsequent investigation.

The UOFRB noted that, based on his positioning, Officer Burton had an optimal angle and line of sight of Robles. Officer Burton had the ability to observe Robles' actions through his Patrol Rifle mounted optic that provided magnification. The UOFRB noted that Officer Burton continued to observe the handgun in Robles' hand and continued to fire to stop the threat. During the UOFRB, the Department's Subject Matter Expert for the Patrol Rifle Program presented that during Patrol Rifle training, officers are trained to fire during various drills and shooting sequences. The training includes a sequence of four rounds fired to the body section of a target, with continuous assessment, and a change of target location to the head to simulate that the rounds were ineffective in stopping a deadly threat. Other drills with assessments between rounds are also trained. Officer Burton articulated that in his assessment, looking through the optic, he perceived an imminent threat to the officers positioned directly south of Robles.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte and Ybarra, would reasonably believe Robles' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Based on the totality of the circumstances, the Chief determined that an officer with similar training and experience as Officer Burton (Rounds 1-4) would reasonably believe Robles' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officers Burton (Rounds 1-4), Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte and Ybarra's Use of Lethal Force to be In Policy, No Further Action.

Based on the totality of the circumstances, the Chief determined that an officer with similar training and experience as Officer Burton, when firing rounds 5-15, would have exercised greater fire control and conducted a continuous assessment while discharging his Patrol Rifle to determine if Robles' actions still presented an imminent threat of death or serious bodily injury. As such, Officer Burton's Use of Lethal Force (Rounds 5-15) would not be objectively reasonable.

Therefore, the Chief found Officer Burton's Use of Lethal Force (Rounds 5-15) to be Out of Policy, Administrative Disapproval.

Additional/Equipment

- **Required Equipment** – The investigation revealed that Officer Ybarra was not equipped with his Oleoresin Capsicum (OC) spray and Hobble Restraint Device (HRD) at the time of the incident. This issue was brought to the attention of Captain L. Paglialonga, Serial No. 30329, Commanding Officer, Southeast Area. Captain Paglialonga recommended that this topic be reviewed with Officer Ybarra during the Tactical Debrief. The Commanding Officer of Operations - South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief directed this to be a topic of discussion during the Tactical Debrief and deem no further action is necessary.

The investigation revealed that Officer Burton was not equipped with his HRD at the time of the incident. This issue was brought to the attention of Captain Paglialonga, who advised that it was addressed through informal training documented in the Learning Management System (LMS). The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Sergeants Ruiz, Cohen, Castellanos, Salazar and Valento along with Officers Ybarra, C. Garcia, Gov, Fuchigami, Sweet, Espinoza, Guereca, R. Garcia, Marin, Hugoboom, Chung, Reyes, and Burton were not equipped with their side-handle batons which were left in their police vehicles during the incident. This issue was brought to the attention of Captain Paglialonga, who advised that this issue was addressed through informal counselling documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officers McPheeters and Lopez were not equipped with their side-handle batons. The officers left their side-handle batons in their police vehicles during the incident. This issue was brought to the attention of Captain Valenzuela who advised that this issue was addressed through the issuance of a comment card and the generation of a Supervisory Action Item (SAI) for each officer. The Commanding Officer of Counter Terrorism - Special Operations Bureau (CTSOB) as well as the Director of Office of Special Operations (OSO) concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer B. Williams, Serial No. 40857, was not equipped with his ballistic helmet at the time of the incident. According to Officer Williams, his assigned police vehicle for that day had been used to transport an unrelated arrestee by other officers. Officer Williams responded to the incident in Sergeant Valento's police vehicle. This issue was brought to the attention of Captain Paglialonga, who recommended that this issue be addressed at the tactical debrief. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief directed this to be a topic of discussion during the Tactical Debrief and deem no further action is necessary.

The investigation revealed that Officer McPheeters' Patrol Rifle was equipped with a tactical light which was inoperable at the time of the second OIS. According to Officer McPheeters, his tactical light became inoperable during a previous unrelated help call and needed to be replaced. While the tactical light did not impact the performance of the optics, this issue was brought to the attention of Captain Valenzuela, who advised that it was addressed through the issuance of a comment card and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

- **BWV activation** – The investigation revealed that Officer Ybarra did not activate his BWV camera for the duration of the incident. According to Officer Ybarra, he activates his BWV camera upon arrival at radio calls. However, he was unable to do so during this incident as he was immediately engaged by Robles upon arrival. This issue was brought to the attention of Captain Paglialonga, who advised that it was addressed through a Department-initiated personnel complaint, CF 19-001837. Captain Paglialonga directed Officer Ybarra to receive training on BWV policy during the GTU. Officer Ybarra was the subject of a directed audit for a period of six months. During the six-month period, Officer Ybarra only had one incident of non-compliance. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Lugo activated his BWV camera two minutes into his emergency response to the incident and that his BWV camera was temporarily deactivated after the help call broadcast.

The investigation revealed that Officer C. Garcia's BWV did not have a complete buffer due to the BWV being powered off and powered back on before it was activated.

The investigation revealed that Officer Fuchigami activated his BWV camera approximately one minute and thirty-five seconds after his arrival at scene.

The investigation revealed that Officer Sweet's BWV camera was temporarily deactivated as the contact team was approaching Robles. According to Officer Sweet, as the contact team was approaching Robles, he lowered his shotgun at

which time his BWV camera deactivated. Officer Sweet immediately re-activated his BWV camera upon realizing that it had deactivated.

The investigation revealed that Officer Cooper's BWV did not capture the audio of the initial part of his emergency response.

The investigation revealed that Officers Chung and Burton's BWV were powered off prior to activation and did not have a buffer for their BWV footage. Therefore, their BWV did not capture the initial part of their emergency responses.

The investigation revealed that Sergeant Valento activated his BWV camera approximately ten minutes after his arrival at scene. According to Sergeant Valento, he believed that he activated his BWV camera while responding to the incident.

The investigation revealed that Officers Hugoboom, Williams, and Hawkins activated their BWV cameras upon arrival at scene. Officers Hugoboom, Williams, and Hawkins did not capture audio of their emergency responses on BWV.

Captain Paglialonga advised that a thorough review of Sergeant Valento's, along with Officers Lugo, C. Garcia, Fuchigami, Cooper, Sweet, Chung, Burton, Hugoboom, Williams, Hawkins, Hall, and Roth's work histories had been conducted and revealed there were no incidents involving BWV non-compliance prior to this incident. Captain Paglialonga advised that the aforementioned personnel received informal counseling and divisional training to include a review of Body Worn Video policy. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Oviatt, in the presence of Sergeant Severns, directed multiple Metropolitan Division officers to power off their BWV cameras. Additionally, Officers Lopez, Rivera and Oviatt powered off their individual BWV cameras, and that Officer Lopez powered off Officer McPheeters' BWV camera after conducting the warrantless search of Robles' property while they were still inside the inner perimeter of the crime scene. This issue was brought to the attention of Captain Valenzuela who advised that it was addressed through the issuance of comment cards and the generation of SAIs for both Sergeant Severns and Officer Oviatt. Additionally, Captain Valenzuela ensured informal counseling was provided and the Office of the Chief of Police Notice regarding "Body-Worn Video Device Pre-Activation Buffer; Requirement to Leave Device Powered On – Reminder" was reviewed in roll calls at Metropolitan Division. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer McPheeters did not activate his BWV camera at the initiation of his emergency response driving; therefore, did not capture the audio of the initial portion of his emergency response. Additionally, Sergeant Severns activated his BWV camera upon arrival at scene and Officer Rivera

activated his BWV camera approximately twenty-two seconds after arrival at scene. Sergeant Severns and Officer Rivera did not capture audio of their emergency responses on BWV. These issues were brought to the attention of Captain Valenzuela, who advised that it was addressed through the issuance of comment cards. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Uniform Standard** – The investigation revealed that Officer Espinoza was wearing an unauthorized cold weather cap at the time of the incident. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed by providing Officer Espinoza with the Uniform and Equipment Committee Notice regarding “Clarification and Specifications to the Department Approved Cold Weather Cap”. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Digital In-Car Video System (DICVS) Microphones** – The investigation revealed that Sergeant Ruiz did not have his DICVS microphone on his person during the incident. According to Sergeant Ruiz he did not realize that the microphone was not on his person until after the incident, which may have come off when he removed his seatbelt. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through informal training documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Personal Protective Equipment (PPE)** – The investigation revealed that Officer Hugoboom, was not assigned to the arrest team and, as such, was not wearing gloves when he moved the firearm from Robles’ right hand to affect Robles’ arrest. Robles’ blood was transferred onto Officer Hugoboom’s hand in the process. Officer Hugoboom is reminded of the importance of utilizing PPE to prevent exposure to blood and other bodily fluids. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through divisional training. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Building Searches** – The investigation revealed that Sergeant Severns, who provided supervisory oversight for the Metropolitan Division officers conducting the warrantless search of Robles’ property, did not designate a less-lethal force officer on the search team and did not verify if officers who were involved in the OIS were included in the search team. This issue was brought to the attention of Captain Valenzuela who advised that it was addressed through the issuance of a comment card and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Protocols Subsequent to a Categorical Use of Force Incident** – The investigation revealed that Sergeant D. Cornwell, Serial No. 34917, Southeast Patrol

Division, advised Sergeant Cohen to return the BWV cameras to the involved officers prior to being interviewed by FID. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through divisional training which was documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Sergeant Severns directed Officer Oviatt, who was an assistant squad leader, to transport Officer Lopez to Southeast Community Police Station (CPS), while following behind Sergeant Severns' police vehicle. In addition, Sergeant Severns directed Officers Medina and Rivera to follow him in their assigned police vehicle to Southeast CPS. This issue was brought to the attention of Captain Valenzuela who advised that it was addressed through the issuance of a comment card and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Watch Commander's Daily Report** – The investigation revealed that Sergeant Linder checked both the Yes and No boxes for the Categorical Use of Force section. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through informal training, which was documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Digital In-Car Video System (DICVS)** – Southeast Division patrol vehicles were equipped with DICVS.

At the time of the first OIS, there was one unit at scene and their DICVS was not activated due to their Code 2 response.

At the time of the second OIS, there were seven additional black and white police vehicles facing east parked on 113th Street behind Officers Ybarra and Skotte's police vehicle. These vehicles were not in a position to capture the second OIS.

At the time of the second OIS, there was one additional black and white police vehicle facing West parked on 113th Street across from Officers Ybarra and Skotte's police vehicle. Due to the lighting at scene, the DICVS did not capture video of the second OIS. However, it did capture audio of the second OIS.

- **Body Worn Video (BWV)** – Southeast Patrol Division, Southeast Area, and Metropolitan Division officers were equipped with BWV.

Officer Skotte was equipped with BWV, which he activated immediately after the first OIS. Officer Skotte's BWV captured video of the first OIS, but did not capture the audio of it.

Portions of the second OIS, the contact teams approach, and post-categorical procedure were captured on the BWV of the following personnel: Sergeants Ruiz, Cohen, Castellanos, Salazar and Valento, along with Officers Skotte, Languren, C. Garcia, Lugo, R. Garcia, Guereca, Chung, Hawkins, Espinoza, Sweet, Fuchigami, Gov, Hugoboom, Williams, Marin, Cooper, Rareba, McPheeters, Lopez, Rivera and Medina. Along with Officers E. Mott, Serial No. 43102, J. Braun, Serial No. 39254, and M. McCormick, Serial No. 43613, Southeast Patrol Division.

- **Outside Video** – A news media helicopter from KABC, Channel 7, Los Angeles, was overhead and captured a portion of the second OIS. The investigation obtained the available video footage through a search warrant.

Chief's Direction

- During the incident, several responding units utilized a vehicle technique referred to as "leapfrogging," which involves a police vehicle maintaining control of traffic while other police vehicles move through an intersection. The Chief directed the Director of the Office of Support Services (OSS) to conduct a review of Department training standards and best practices regarding the utilization of this technique in emergency response driving and vehicle operations.

Additionally, in order to enhance the future tactical deployment and assessment of all Patrol Rifle Cadre officers, the Chief instructed the Director of OSS, to review the training standards and pre-designated qualification sequences currently being used during the Patrol Rifle training, certification and qualification.

Furthermore, although, it was determined that Sergeant Severns and Officer Oviatt were not substantially involved in this active incident and did not receive formal findings, they would benefit from the Tactical Debrief to enhance future performance and are directed to attend.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment, beyond those already identified in the Chief's report.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- As discussed further in the *Inspector General Recommendations* section of this report, Officer Ybarra did not take advantage of an available opportunity to coordinate with the airship as he drove toward the location of this incident, or to otherwise take steps to ensure a tactically advantageous approach to the location. As a result, he did not identify the suspect's location until he had already driven his police vehicle into an exposed position, thereby diminishing available time and distance and placing himself and his probationary officer partner in a position of tactical disadvantage.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.
- As referenced in the Chief's report, Department training establishes that, "*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack.*" (*California Commission on Peace Officer Standards and Training, Learning Domain 21*). Furthermore, as noted in the Chief's analysis,

"When arriving at an emergency radio call, the positioning of the police vehicle is critical for providing officers a tactically advantageous position."¹⁴⁰

The available evidence shows that Officer Ybarra did not take the opportunity to coordinate his approach to the incident location with the airship, or to otherwise take sufficient steps to establish where the suspect was located as he drove onto 113th Street. This resulted in Officer Ybarra inadvertently driving himself and Officer Skotte into a position where they were immediately exposed to the threat presented by the suspect. Given that the suspect was being observed by the airship during the officers' response, this tactically disadvantageous vehicle positioning and the threat to the officers' lives that it resulted in could have been avoided.

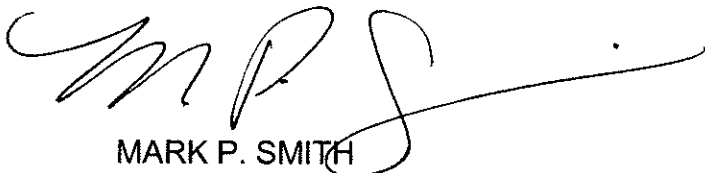
The OIG recommends that Officer Ybarra's tactical debrief include discussion of the importance of taking advantage of available resources to coordinate a tactically-sound response to high-risk situations, such as the one the officers encountered in this case.

Drawing and Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.



MARK P. SMITH
Inspector General

¹⁴⁰ Chief of Police report, February 28, 2020, Page 14.